United Nations A/ES-10/PV.28

General Assembly
Tenth Emergency Special Session

Official Records

28th meeting
Friday, 17 November 2006, 10 a.m.
New York

President: Ms. Haya Rashed Al-Khalifa ..... (Bahrain)

The meeting was called to order at 10.20 a.m.

Resumption of the tenth emergency special session

The President (*spoke in Arabic*): I declare the tenth emergency special session of the General Assembly, on illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory, resumed. Members will recall that, in paragraph 8 of resolution A/ES-10/15 of 20 July 2004, the General Assembly decided to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meeting upon request from Member States.

I should like to draw the attention of delegations to the following: document A/ES-10/366, which contains a letter dated 14 November 2006 from the Permanent Representative of Qatar to the United Nations, in which he requested, on behalf of the States members of the League of Arab States, the resumption of the tenth emergency special session; and document A/ES-10/367, which contains a letter dated 15 November 2006 from the Permanent Representative of Cuba to the United Nations, in his capacity as the Chairman of the Coordinating Bureau of the Non-Aligned Movement, and by which he conveys the support of the Non-Aligned Movement for the request for the resumption of the tenth emergency special session.

In accordance with rule 63 of the rules of procedure of the General Assembly, the President and Vice-Presidents of the sixty-first session shall serve in the same capacity at the resumed tenth emergency special session.

May I take it that it is the wish of the General Assembly to decide that the Credentials Committee of the sixty-first session should serve for the resumed tenth emergency special session?

It was so decided.

The President (*spoke in Arabic*): In keeping with established practice, I should now like to invite the attention of the General Assembly to document A/ES-10/368, concerning Article 19 of the Charter.

May I take it that the General Assembly duly takes note of the information contained in this document?

It was so decided.

Agenda item 5 (*continued*)

Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Draft resolution (A/ES-10/L.19)

The President (*spoke in Arabic*): We are meeting today because of the deteriorating situation in the Middle East and the need to establish a just, comprehensive and lasting peace in the region. The situation in the occupied Palestinian territories is deteriorating daily, creating serious humanitarian problems and further exacerbating already serious

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political problems. The severe economic crisis endured by Palestinian society is growing worse, which in turns increases the complexity of the situation.

Consequently, we must condemn without distinction the killing of Palestinian and Israeli civilians because such arbitrary killings are contrary to the rules of international humanitarian law and to established legal norms. Here, we should recall that this dramatic escalation of violence and counter-violence has had disastrous consequences and a negative impact on the Palestinian and Israeli societies alike. It widens the gap between these two peoples, who live side by side.

We therefore consider that the only solution lies in a return to the negotiating table, for dialogue provides the only means of serving the interests of both parties in order to achieve the just peace that we all hope for. It is not only the two parties to the conflict that must return to the negotiating table; the international community must be represented as well, because the outcome will have an impact that transcends the geographical boundaries of the area of conflict. The situation calls for initiatives and solutions aimed at finding a genuine resolution of the crisis, beginning with an end to the cycle of violence. In the absence of effective solutions, that cycle of violence will continue.

The international community now knows that negotiations will result in a just, viable and lasting peace only if there is a serious plan that can meet the interests of both parties to the conflict and whose goal is a genuine peace based on respect for the rights of both peoples. The time has come for an end to the decades-long bloodshed in one of the most tense regions of the world. We all must face this serious challenge at this historic and critical stage.

We must work to ensure the success of the peace process between the Palestinian and Israeli parties, on the basis of the vision of two States living side by side in security and stability. That will open the way to peace throughout the Middle East region and will mark the beginning of a new life for the peoples of the region and for succeeding generations — generations for which a struggle based on force and violence will be replaced by another kind of struggle: a struggle towards security, stability, prosperity and progress.

I now give the floor to the observer of Palestine.

Mr. Mansour (Palestine) (*spoke in Arabic*): Over the past four months, Israel, the occupying Power, has carried out a blatant campaign of aggression and ruthless military assaults against the Gaza Strip that continue to escalate before the eyes and ears of the entire world. Through that excessive and indiscriminate use of force, the occupying Power has perpetrated war crimes against Palestinian civilians. The latest such crime was the massacre of civilians near Beit Hanoun, where the Israeli occupying forces killed 82 Palestinians, among them 22 children, in the course of a six-day campaign of aggression. The aggression culminated in a heinous crime against an extended family as they slept in their homes, thinking they were not in harm's way. That took place the day after the occupying forces declared that their aggression against Beit Hanoun had ended.

On Wednesday, 8 November 2006, during the early dawn hours, the occupying forces shelled a residential neighbourhood in Beit Hanoun. Nineteen civilians were killed as a result of that shelling, 16 of whom were members of the Al-Athamneh family. Among the victims of that crime were seven children, an infant, a three-year old child and five women. Most of them were killed while they slept, and the rest while fleeing from the shells that fell over their heads from all directions.

The normal response to these highly abnormal circumstances, which constitute a grave threat to international peace and security and threaten a resurgence of violence in the entire region, is to have the Security Council uphold its main responsibilities in maintaining international peace and security. However, the Security Council failed to uphold its responsibilities due to the negative vote of one of its permanent members on a balanced draft resolution that condemned this criminal act and demanded an investigation into its circumstances. That was the second veto used by the same permanent member in less than four months, and it is the thirty-first veto used by that very member on draft resolutions related to the Palestinian territory occupied since 1967, including East Jerusalem. The repeated use of the veto sends the wrong message to Israel, the occupying Power, namely, that it is above international law and that it can continue to commit crimes and acts of outright aggression with impunity. The repeated use of the veto also signals to the Palestinian people that the targeting

of civilians is legitimate and that it is overlooked by the Security Council because the perpetrator is Israel.

We meet today at the General Assembly's resumed tenth emergency special session in accordance with the "uniting for peace" formula in a last-resort effort to defend the principles on which the United Nations was founded. We are also here to allow Member States to do collectively what the Security Council was incapable of doing. Furthermore, today's meeting is aimed at defending the principles of the Charter of the United Nations and the rule of international law, which are the safeguards of the principles of humanity, and at sending the clear message that no State is above the law. Thus, what is required is to take serious and firm action in response to these crimes, especially the massacre in Beit Hanoun, and to put an end to this rampant Israeli campaign, which intends to destroy an entire people and any hope of reviving the peace process.

Based on what I have described, and in the belief that unilateral solutions can only lead to a deterioration and escalation of the conflict, the groups that initiated the convening of the Security Council — the Arab Group, the Non-Aligned Movement and the Organization of the Islamic Conference — requested the resumption of the tenth emergency special session to put their recommendations before the membership so that the necessary collective action can be taken. In that connection, allow me to convey our thanks and appreciation to you, Madam President, for your immediate response to our request to resume this important session. I would also like to emphasize that today's meeting is necessary to stop this Israeli military madness, which targets children during their sleep.

Since Israel's unilateral redeployment from the Gaza Strip, which it had occupied for 39 years, the occupying Power has never passed up an opportunity to refer to that step as a courageous act and a hard decision. However, had Israel's intentions been truly sincere and intended to further the cause of peace by opening a new chapter, it would have paved the way to ending the dreadful occupation, and the pain would not be as pervasive as it is. The real outcome of the redeployment from the Gaza Strip has been the exacerbation of the pain and suffering of the Palestinian people.

Since Israel's redeployment from the Gaza Strip, the Palestinian people have experienced a series of shocking war crimes and acts of collective punishment at the hands of the occupation. These actions have included continuous artillery shelling, assassinations and terrifying sonic booms, in addition to closures, sieges and the withholding of tax revenues. Those illegal acts have resulted in massive loss of life and property, to the extent that all international observers of the situation on the ground have described it as a humanitarian disaster. As I speak, Israel is continuing its State-sponsored terrorism and committing war crimes.

Israel, the occupying Power, has intensified its military aggression, which is now in its sixth year, by launching a new campaign of wide-scale aggression in the Gaza Strip. The campaign began on 25 June 2006, on the pretext of liberating a captured Israeli soldier. During that bloody aggression, the occupying Power committed a number of war crimes, using a wide array of weapons in an unbridled manner, including missiles fired from F-16 jet fighters and Apache helicopters, as well as tank shells and other field artillery, in addition to a wide range of internationally banned illegal weapons. Injuries from those weapons is undetectable by x-ray, and survivors are at risk of contracting leukaemia.

To date, there have been more than 450 Palestinian victims, including many children. During this period, the occupying forces have carried out more than 292 air raids, in addition to daily shelling, which have resulted in massive loss of life and wanton destruction. Also, 4,300 Palestinians have been martyred in the past six years at the hands of the Israeli occupying forces.

As if those crimes were not enough, the Israeli Government has expanded its aggression through the systematic and organized destruction of public infrastructure and personal property, thereby intensifying the suffering of the residents of the Gaza Strip. That destruction has targeted a number of main bridges, roads, the only power plant in Gaza, the electrical network and a number of sub-transformers. Those acts of aggression have had a negative impact on all aspects of life in the Gaza Strip, as the effect of electricity outages has been apparent in all areas of life. For example, the level of medical services provided by hospitals and clinics has declined significantly, and so has the daily provision of food

supplies and water; the sewage system too is now on the verge of collapse.

Along with all those destructive measures, Israel has imposed a suffocating siege on the Gaza Strip and has isolated it form the outside world, as exit from and entrance into Gaza has been forbidden. The Rafah crossing that links Gaza to the outside world has been closed for over three months. Roughly 1.4 million Gaza residents have not been allowed to leave or enter Gaza, even if it was to receive or follow up on urgent medical treatment. Israel has also banned the import through the Karni crossing of basic food and medical supplies, as that crossing is now closed for 71 per cent of working hours. In addition, the Beit Hanoun crossing has been totally closed since March 2006.

As if starving and killing the population were not enough, on direct orders from the Israeli Prime Minister as part of Israel's campaign of collective punishment against the residents of the Gaza Strip, Israeli occupying forces have now begun psychological warfare. Israeli air force jets have carried out nightly low altitude sorties over the Gaza Strip, through which they intentionally cause powerful sonic booms. The sole purpose of these sorties is to prevent residents from sleeping and to create a continuous sense of fear and anxiety, especially among children. In that regard, I must emphasize that the Israeli Government planned the timing of those aggressive attacks to undermine the tireless efforts of President Mahmoud Abbas to form a national unity government, as well as his simultaneous efforts to gain the release of the captured Israeli soldier and Palestinian prisoners and detainees, including elected Palestinian officials. It is important to remember that 10,000 Palestinians have been jailed or detained to date by the occupying Power, including over 388 children and 117 women, many of whom are being held arbitrarily and without trial.

Those are all facts that have been attested to by United Nations specialized agencies and special rapporteurs, as well as by non-governmental organizations well known for their impartiality and objectivity. On 8 November, UNICEF declared that 19 Palestinian children had been killed, and 300 other children injured, during the first 10 days of November. According to that agency, that horrific figure was enough to make November 2006 one of the bloodiest months for the children of Palestine. UNICEF also stated that 116 children had been killed this year alone, as compared to 52 last year. Furthermore, UNICEF figures show that 71 children had been killed during the Olmert-Peretz Administration.

According to Mr. Miloon Kothari, Special Rapporteur on adequate housing in the territories occupied since 1967, those acts and collective punishment are criminal acts. B'Tselem, the Israeli information centre for human rights in the occupied territories, has also accused the occupying authorities on many occasions of war crimes and collective punishment. Amnesty International has described Israeli actions in the recent aggression against the Gaza Strip, especially in Beit Hanoun, as having reckless disregard for Palestinian lives, and has called for those who have perpetuated those acts to be brought to justice.

The Palestinian leadership has long been aware of where that aggression was heading. President Mahmoud Abbas has sent several letters to the Security Council warning against the grave consequences of such continued Israeli aggression and the dangerous risk it poses to civilian lives. That is especially true because of the constant threat by Israeli officials to invade the Gaza Strip — borne out by the massing of the Israeli army on the borders of Gaza prior to the capture of the Israeli soldier, which Israel used as a pretext for its aggression. Further evidence to that pre-planned Israeli aggression is the vicious crime that took the lives of seven members of the Ghaliya family on 9 June 2006, which was followed by another attack on 13 June that killed a pregnant woman and her five- and six-year-old children.

What did the Security Council, the principal body of the international community responsible for the maintenance of international peace and security, do? Nothing. Not even a statement of condemnation was issued. It has remained silent before all these Israeli violations. We have nevertheless continued to inform the Security Council about the latest dangerous developments on the ground. During the 30 days prior to the massacre at Beit Hanoun, our delegation repeatedly sent letters warning of the potential for this sort of event, until the catastrophe finally happened. We called for the convening of the Security Council so that it could shoulder its responsibility. But, as everyone here can attest, we were confronted by the veto.

We must recall that those actions are being carried out by an occupying Power that has no

sovereign rights over the occupied territory in question. We are talking about land that has been occupied for the past 39 years and to which the Geneva Conventions are applicable, as 24 Security Council resolutions have previously affirmed. In that connection, we have the right to ask about certain issues that deserve to be addressed. Are some victims less important than others? How does the Security Council deal with issues of less urgency while refusing to deal with what is happening in Palestine? How is such an appalling crime, committed by an occupying Power, passed over by the Security Council without it taking a position? How does the Security Council allow the principles of the Charter and other international norms and covenants adopted following the atrocities and crimes committed during the Second World War to be disregarded without any response? Is there one Security Council for the whole world and a special one for Israel? Is one member of the Security Council permitted to put aside the United Nations Charter and forget about the principles of international law and international humanitarian law? What are the consequences of those actions on the world order and on international relations? All these are serious questions that deserve an answer in order to preserve the United Nations and uphold international order, because it is obvious that the international order is going through a serious crisis.

The United Nations Charter entrusted the Security Council with responsibility for the maintenance of international peace and security on behalf of all Member States. Yet, the Security Council has shockingly failed to uphold its responsibility vis-à-vis the question of Palestine.

What our people do not understand is the readiness of some to speedily condemn any action by Palestinians, irrespective of their right to resistance, including acts that are even unacceptable to Palestinians, such as the killing of Israeli civilians. Those same people memorize the names of Israeli victims, including the names of Israeli soldiers and the weapons that Palestinians use to attack them. At the same time, they are not ready to condemn internationally banned artillery shells or bombs that weigh over 200 kilograms and which are launched by F-16 fighter jets against densely populated civilian areas, killing many Palestinian civilians. Some States also try to hide behind the excuse of "balance", to shirk their responsibilities.

Our question to them is whether the situation on the ground is balanced. Is there a similarity between the aggressor and the victim of aggression, between the occupier and the occupied, between an army armed to the teeth with the most grotesque and diabolical weapons, and a people who have nothing to protect themselves with? What balance are they talking about? The balance that we know is balance that takes into account international law and norms and does not disrespect them. The balance we know preserves human dignity and the rights inscribed in all international covenants and instruments.

Those violations are taking place in the context of the policy of premeditated collective punishment being pursued by the Israeli Government against our people — a Government that has literally turned the Gaza Strip into a huge prison. Those policies are solely aimed at penalizing the civilian Palestinian population in the Gaza Strip, in grave violation of international humanitarian law and the Fourth Geneva Convention, of 1949. Article 33 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, categorically states that "Collective penalties and likewise all measures of intimidation or of terrorism are prohibited". That article also states that "Reprisals against protected persons and their property are prohibited". The Conventions also consider the targeting of civilians to be war crimes.

The circumstances surrounding the killing of Palestinian civilians in Beit Hanoun dictate that the events there fall under the category of war crimes. Accordingly, we cannot accept the argument presented by Israel, the occupying Power, that the killings were unintentional. The argument by the Israeli army that it did not mean to kill civilians in Beit Hanoun is unacceptable and is nothing more than disingenuous lip service, which cannot excuse what happened. Furthermore, the apology that holds the victim responsible for his own death is unacceptable. The perpetrators of those acts should be brought to justice.

In accordance with The Hague Regulations, the 1949 Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, the First Additional Protocol to the Fourth Geneva Convention and the responsibility of parties under the Rome Statute of the International Criminal Court, States have a clear responsibility vis-à-vis those who commit war crimes.

Before the tenth emergency special session of the General Assembly, we accuse the Government of Israel, the occupying Power, of committing war crimes against the Palestinian people. We also hold the Israeli Government responsible for other crimes committed by members of the Israeli occupation army, including the extrajudicial killing of five Palestinians in the village of Al-Yamun in the West Bank, which took place on 8 November 2006. In addition, in accordance with article 29 of the Fourth Geneva Convention, of 1949, we hold the Israeli Government responsible for crimes committed by Israeli settlers in several parts of the occupied Palestinian territories.

We underscore the clear responsibilities of the High Contracting Parties to the Fourth Geneva Convention under common article 1 and article 148 of the Convention. We call upon those Parties to issue indictments and to bring to justice those Israelis who have committed war crimes against the Palestinian people, including the Chief of Staff of the Israeli army and all the commanders of the Israeli military units involved.

The Assembly is meeting here today to take appropriate action by adopting the draft resolution before it. This meeting, and what it hopes to achieve, must be viewed as an achievement by all those who believe in the rule of law and who seek to uphold the principles enshrined in the Charter of the United Nations. It is a success for all those who respect the right of children and civilians to life and seek to preserve the choice of peace based on justice. We thank you in particular, Madam President, for reconvening the tenth emergency special session, and we thank members in advance for their support.

The President (*spoke in Arabic*): I now give the floor to the representative of Qatar to introduce draft resolution A/ES-10/L.19.

Mr. Al-Nasser (Qatar) (*spoke in Arabic*): I would first like to thank you, Madam President, on behalf of the Group of Arab States, for agreeing to our request to resume the tenth emergency special session of the General Assembly, to consider Israel's aggression in the occupied Palestinian territory, including East Jerusalem — especially following the latest escalation in acts of aggression in the Gaza Strip since the beginning of this month.

In response to that serious escalation, the Group of Arab States requested an emergency meeting of the Security Council and, following consultations with Council members, submitted a fair and balanced draft resolution (S/2006/878). But the Council failed to shoulder its responsibility for the maintenance of international peace and security. The draft resolution never saw the light of day because one of the Council's permanent members used its veto power, in a repetition of the events of last July.

Consequently, and in accordance with the resolution adopted by Arab Foreign Ministers at their 12 November 2006 meeting in Cairo, the Group of Arab States has requested the resumption of the tenth emergency special session of the General Assembly to consider the Israeli aggression.

In a single week, the latest Israeli aggression has led to the deaths of dozens of Palestinian civilians and to hundreds of injuries in the Gaza Strip and the West Bank. It has destroyed numerous facilities vital to the Palestinian people, in grave violation of international law, international humanitarian law and human rights law. Specifically, the aggression is a clear and flagrant violation of the relevant provisions of the Fourth Geneva Convention, of 1949, relative to the Protection of Civilian Persons in Time of War and contravenes relevant Security Council resolutions.

The consequences of Israel's military operations have affected most of the population of the West Bank and the Gaza Strip. Gaza has become a vast prison in which the people have been seriously deprived of their basic needs and their freedom of movement, leading to further deterioration of the already poor humanitarian situation of the Palestinian population.

The excessive and indiscriminate use of armed force and other illegal practices of the occupying forces — such as firing on Palestinian women during a peaceful demonstration in Beit Hanoun — prove that the military campaign has exceeded its declared objective and that it is part of Israel's policies of killing, suppression, intimidation and collective punishment against the Palestinian people. Israel's right to defend its citizens does not give it the right to resort to such illegal, inhumane and excessive practices, which only hinder opportunities to revive the peace process.

It is truly confounding that the international community should remain silent in the face of Israel's blatant aggression against defenceless Palestinians. That silence has only encouraged Israel to commit

further offences against the Palestinian people, culminating in the 8 November massacre of innocent civilians, committed in full view of the entire world, in which the occupation forces fired artillery shells on a residential neighbourhood, killing some 20 people and injuring more than 40, most of them innocent women and children. The massacre was condemned by the Human Rights Council in its resolution S-3/1, adopted on 15 November, in which it also decided to send a fact-finding mission to the region. We condemn that massacre, which continues the violations repeatedly committed by the occupying Power in the occupied Palestinian territories, which have killed more than 100 Palestinian children since the beginning of this year alone.

For this reason, the international community is called upon to act quickly in order to stop the Israeli aggression against the Palestinian people in the occupied Palestinian territories, to hold accountable those responsible for these crimes and to begin to take definitive and concrete steps to revive the stagnant Middle East peace process on all tracks, within the framework of the agreements reached to date and in accordance with the relevant Security Council resolutions, the terms of reference of the peace process, the Road Map and the Arab Peace Initiative.

The international community, as represented by the General Assembly, is called upon, after the Security Council's failure to address the Palestinian issue, to take concrete steps and to consider action to protect Palestinian civilians through an international mechanism for stemming Israel's aggression, ending the suffering of the Palestinian people, and ensuring a return to the negotiating table in order to reach the desired comprehensive settlement.

Allowing Israel to persevere in its disregard for international law and its flagrant defiance of the resolutions of the Security Council, the General Assembly, the former Commission on Human Rights and the new Human Rights Council will result in a loss of credibility for the Organization and will intensify frustration and hopelessness to the detriment of peace and stability in the Middle East. The Security Council's failure last week to adopt a draft resolution condemning this flagrant Israeli aggression and calling for the protection of civilians and the resumption of the peace process obstructs the role of the Security Council in addressing the Arab-Israeli conflict. It is also seen as a message that encourages Israel to take its aggression further, thereby increasing the level of tension and resulting in the continuation of the cycle of violence.

Therefore, the Group of Arab States has decided to submit to the General Assembly the fair and balanced draft resolution contained in document A/ES-10/L.19. We call upon all Member States to vote in favour of the draft resolution.

Mr. Gillerman (Israel): Here we are again, with the same sense of déjà vu, with the terrorists accusing the victims and the General Assembly being yet again used, abused and hijacked so cynically. I listened carefully to the very long statement made by my Palestinian colleague. There was one word that was repeated again and again: that Palestinian mantra of "occupation", "occupying Power", "occupation", "occupying Power". I understand that it may be very difficult to be weaned away from those very convenient terms.

But let me remind my Palestinian colleague that 15 months ago Israel left Gaza; it did not occupy a single inch of Gaza; there has not been a single Israeli in Gaza. There was and is no occupation in Gaza. The only reason we are there is because the Palestinian Authority, which my Palestinian colleague represents, has chosen to turn Gaza into a terror base and a launching pad for missiles into Israel. But that word still features prominently in Palestinian speeches.

However, there is one word that is totally missing from that very, very long and tedious statement. And that word is also missing from the draft resolution (A/ES-10/L.19) placed before the Assembly. Let me spell that word out to the Assembly once again: H — A — M — A — S. Hamas. Hamas is the reason for what is happening. Hamas is the reason for the suffering of the Palestinian people. Curiously — but maybe not so curiously because of where this is happening — that word is totally non-existent either in the Palestinian statement or in the draft resolution.

Let me be very clear. The emergency today is most certainly not in this Assembly Hall. It is on the other side of the world, in Israeli cities like Sderot and Ashkelon, where residents are pounded daily by Qassam rockets; and it is in the Gaza Strip, where Palestinian terrorists continue to plan and carry out terror attacks. Ever since Israel left Gaza over one year ago, the Palestinians have cynically — tragically — turned Gaza into a staging ground for the war of terror against Israel.

With the election of Hamas to the Palestinian Authority, the situation deteriorated further. In the last year, over 1,000 rockets were fired from the Gaza Strip into Israel, 100 in the last month alone — this, I repeat, after Israel left Gaza. All the while, smuggling continues at an alarming rate, with over 30 tons of military-grade weapons illegally entering Gaza. Palestinian terrorists still hold Corporal Gilad Shalit captive following his abduction on 25 June 2006. The Hamas-led Palestinian Government refuses to acknowledge the existence of Israel and pledges every one of its resources, even if it means starving its own people and denying them basic necessities, to maim and kill Jews and destroy the State of Israel. If that is not a state of emergency, please tell me what is.

Although Israel still longs for peace, we sorely feel the painful sting of the current reality: Hamas's campaign of terror, relentless Qassam rockets and venomous hatred of Israel. These days, the Qassam rockets are a part of the southern Israeli skyline. They pierce the tranquil blue skies of the western Negev and plummet down on the civilian population below, onto Israel homes, places of work and schools. They are the ones who target sleeping children, not us, while the member States of this body haggle over this biased text.

Two days ago, an Israeli woman was killed and two others were severely injured by Qassam rockets. While members debated paragraphs, 15 more Qassams came crashing down on the cities of Sderot and Ashkelon. When members agreed on the text, the children of Sderot were already being evacuated from their homes. While we sit here this morning, this grave humanitarian situation escalates. More children are being evacuated and the residents of Sderot flee en masse.

Since the Qassams do not stop, Israel responds in self-defence. During one of these operations 10 days ago, sadly, a tragic incident occurred. In the course of war — and let there be no mistake, the difficult times we are living in indeed constitute a time of war, a war against terror, vicious, indiscriminate terror — incidents unfortunately occur, which Israel deeply regrets.

Israel has since launched a full investigation and offered medical and other assistance to the injured, in coordination with the Palestinian agencies. However, let there be no mistake: these dead Palestinians may have been killed by Israeli shells, but they are the victims of the Palestinian Authority. It is the Palestinian Authority that is directly responsible for their deaths and for the tragedy of its own people.

This bloodshed can stop in one second. If terror stops, there will not be one single victim, Israeli or Palestinian. The choice is yours. End the violence and Israel will never again have to act in self-defence.

Convening this emergency special session is yet another example of Member States' misusing and abusing the procedures of this Assembly. In repeated discussions, they place procedure before substance in a not-so-subtle attempt to circumvent the Security Council. Ultimately, the disproportionate use of procedure raises serious questions on the role this Organization can play in being an honest broker for peace.

Contrary to perception, the Security Council last week did not fail to act. If there is any failure, it is the failure of the resolutions, both in the Security Council and in the Assembly today, to aptly address the origins of the situation. It is a failure to recognize that Israel's response is exactly a legitimate response, that the source of the conflict is the persistent and pernicious Palestinian terror, and that Israel has a right to self-defence. It is a failure to recognize that the Palestinians cannot demand their national rights without fulfilling their national responsibilities.

Convening the emergency special session without that recognition cannot change reality. If we ignore the source of this conflict — Palestinian terror — then our assembling here today is unrealistic, a charade, a complete theatrical farce. Rather than deliberate and forge unrealistic scenarios, the international community must marshal the Palestinian leadership to embrace its responsibilities. The international community can see to it that, instead of pursuing terror, Hamas takes up the mantle of responsibility and fulfils the Quartet's three conditions — recognizing Israel, renouncing violence and abiding by previous agreements — earning it a seat at the table and a place among nations.

As it stands, the debate this morning and in four other bodies of the United Nations dealing with this issue, including the Human Rights Council two days ago, offers the Hamas Government no incentive to renounce their ways of terror. And why should they? They have a monopoly on this Assembly. They have a

monopoly on this Assembly's attention and sympathy. Without forcing the Palestinians to shoulder their responsibilities, there will be no change. Terror will continue and Israel will be compelled to respond in self-defence.

Terror does not merely spring up from nowhere. We all know that extremism and terror in our region are fuelled by Syria and Iran. Last week, we saw this proven again by the Argentinian Government. Syria's and Iran's bloody fingerprints can be found around the globe. This week, a United Nations report tells us that Damascus and Tehran are violating the sanctions against Somalia, sending over large consignments of arms and ammunition. We see once again the frightening reach of the villainous arm of Syria, home to so many terror organizations, including Hamas, with its leader, Khaled Mashal, and Iran, whose President denies the Holocaust while diligently preparing the next one and who is on a quest to acquire the nuclear weapons to do so. Iran has just given Hamas $120 million. Who knows what they will use that money for? The international community must put a stop to their genocidal regime.

Direct negotiations, based on mutual recognition of rights and responsibilities of both sides, are the only mechanism that will bring benefit and progress to the Israeli and Palestinian people. We still have that mechanism, and it is called the Road Map, accepted by Israel and endorsed by the international community. The Road Map and the three international conditions are designed precisely to confront the enemies of peace and to ensure that the future Palestinian State is not a State that sponsors terror.

Discarding those building blocks, as some in Europe have recently called for, will not speed up the process; it will simply ensure that the edifice of peace crumbles. Returning to the Road Map requires acting with urgency but not recklessness. It requires not confusing sessions and speeches with changes in reality. And, most of all, it requires genuine consultation, negotiation and agreement between the parties themselves. There is no other way.

Let me end with a note of caution, a question and an explanation. I caution everyone who will support this draft resolution today: by doing so, you will be accomplices to terror. The blood of more innocents will be on your hands. I urge all of you to ask yourselves: if your country were subject to this brutal and vicious terror, what would you do? If French cities were shelled from across the border, what would the French do? Would the French Government send flowers to their attackers? Well, by voting for this draft resolution and supporting it, you will be sending flowers to the terrorists — flowers which tomorrow will be laid on the grave of yet another Israeli victim.

Finally, because I know that in this Hall, our words fall on mostly deaf ears, my Mission will leave after I make this statement to hold a press conference in this building — at which, hopefully, they will meet with more responsive attention.

The President (*spoke in Arabic*): I now call on Mr. Paul Badji of Senegal, who will speak in his capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

Mr. Badji (Senegal), Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (*spoke in French*): I should like, in my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to speak before the General Assembly on the agenda item under consideration. The resumption of the tenth emergency special session is justified by the alarming situation in the occupied Palestinian territory, particularly the terrible losses of human life suffered by the civilian population of Beit Hanoun.

During the Security Council meeting held on 9 November 2006 (see S/PV.5564), the overwhelming majority of speakers expressed their indignation at the indiscriminate bombing of residential districts in Beit Hanoun. The operations conducted by the Israeli army in that area, which began on 1 November, killed more than 80 Palestinians, many of them children, women and innocent bystanders. On 8 November alone, 19 Palestinians lost their lives during an attack that took place at dawn, while families were sound asleep in their homes. More than 260 persons were wounded. Beit Hanoun is a devastated area in which some 450 dwellings have been destroyed and where entire families find themselves homeless.

By using excessive force in the occupied Palestinian territory, the Israeli army has committed an act of war against the Palestinian population. The use of tanks, combat helicopters, missiles and artillery against a people under occupation cannot be described in any other way. It is obviously a disproportionate act.

The draft resolution that Qatar submitted to the Security Council (S/2006/878), which received the support of 10 Council members, would have been a way out of the current catastrophic situation. In particular, it would have given the Security Council a central role in international action to resolve this long-standing conflict — a role that, the Committee is firmly convinced, the Council should have been playing all along, in accordance with the provisions of the Charter of the United Nations. That draft resolution was not adopted owing to the veto of a permanent Council member.

When I took the floor during the Security Council debate, I condemned in the strongest terms on behalf of the Committee the Israeli incursions into Gaza, the disproportionate use of force and the vast destruction caused by the Israeli heavy artillery. The Committee also urged the Palestinian militants to stop firing Qassam rockets at Israel from the north of the Gaza Strip, which recently caused the death of an Israeli woman and seriously wounded two other persons. Such acts against civilians cannot in any way be justified and do not help to alleviate the situation or create conditions for a resumption of peace negotiations.

Those tragic events reduce to naught the little hope that the Palestinian leadership had of seeking ways to restart dialogue and return to the negotiating table. The Palestinian population, which already lives in miserable conditions, is being subjected to new humiliations and ordeals and is daily obliged to face ever greater dangers. The Israeli operation carried out recently in the Gaza Strip and throughout the West Bank has scarcely caught the attention of the international community. The Palestinians asked it to immediately intervene and were deeply disappointed by what they consider to be passivity, including on the part of the United Nations.

The number of deaths is rising daily, and this tragic situation will continue unless effective measures are taken as soon as possible. We call on Israel, the occupying Power, to put an end to all military operations and to the use of force, and to act within the framework of the Fourth Geneva Convention. We urge all parties immediately to put an end to all acts of violence against civilians, to exercise the greatest possible restraint and to ensure that calm is restored. Israel must put an end to its military incursions into Palestinian territory and to extrajudicial executions of Palestinians. It must also lift the harsh restrictions imposed on the freedom of movement and the daily lives of the Palestinian people.

The Committee supports the establishment, under the guidance of the Security Council, of an international mechanism that would protect the Palestinian civilian population. We hope that the international community will take the measures necessary to help eradicate the violence and chaos that daily afflict innocent civilians. We ask members to support the draft resolution that is before the Assembly.

We remain deeply concerned by the decision of some of the main donors to suspend direct assistance to the Palestinian Authority. Such invaluable aid on the part of the international community has allowed for the basic necessities to be provided to millions of Palestinians. The suspension or re-channelling of such assistance resulted, at a particularly critical time, in considerable upheaval and deprivation in the lives of numerous Palestinians. The Committee asks the international community of donors to help stop the deterioration of the humanitarian situation of the Palestinian people and to make every effort to ensure that this vital assistance continues to be provided to those who need it most.

Israel, in violation of international law, continues to carry out its illegal policies of expanding and annexing settlements and building the separation wall. Furthermore, such practices deprive the Palestinians of their opportunity to fulfil their legitimate aspiration to a Palestinian State, and give rise to anger, despair and bitterness in the face of a future that appears bleaker every day. The international community will continue to call on Israel to put an end to its policy of illegally appropriating Palestinian lands and of faits accomplis on the ground. The Committee asks the States parties to the Fourth Geneva Convention to take urgent measures to ensure that Israel ends and reverses this illegal process of land usurpation.

As always, the Committee intends to continue to cooperate with the legitimate representatives of the Palestinian people, primarily with the President of the Palestinian Authority, Mr. Mahmoud Abbas, who advocates non-violence, recognizes the State of Israel and respects all previous Israeli-Palestinian accords. We continue to support his efforts to promote the formation of a Government of national unity.

It is clear that there can be no military solution to the Israeli-Palestinian conflict. Parties must engage in

dialogue to try to break the cycle of revenge and reprisals, which can only give rise to fresh suffering. The Committee has consistently advocated a negotiated settlement leading to the emergence of an independent, democratic and unified Palestinian State, living side by side, in peace and security, with Israel and other neighbouring States.

A negotiated settlement would allow the resolution of the Israeli-Palestinian conflict, which began in 1967, on the basis of the principles espoused at the Madrid Conference; the principle of land for peace; Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1585 (2005); previous agreements concluded between the parties; and the Arab Peace Initiative. It would make Israel a fully fledged neighbour, living in peace and security with all other States in the region. Such a comprehensive settlement is the only way of enabling the Palestinian people to realize their inalienable rights.

Mr. Malmierca Díaz (Cuba) (*spoke in Spanish*): The Non-Aligned Movement considers the resumption of the tenth emergency special session of the General Assembly fully justified and very timely. The grave situation prevailing in the occupied Palestinian territories warrants the priority attention of all delegations.

As is well known, last Saturday, 11 November, a permanent member of the Security Council vetoed a balanced draft resolution submitted by the delegation of Qatar on behalf of the Arab Group on the situation of the occupied Palestinian territories. As a result, the text could not be adopted, despite having received favourable votes from the majority of members of the Council, including all the member States of the Non-Aligned Movement that are currently members of that organ.

Given the Security Council's paralysis as a result of the abuse of the veto and its inability to exercise its responsibility for the maintenance of international peace and security, and against the backdrop of the worsening situation in the occupied Palestinian territories, the Non-Aligned Movement considered it not only its legitimate right but also its duty formally to convene last Wednesday, 15 November, this session of the General Assembly.

In requesting this meeting, the Non-Aligned Movement acted in keeping with its position that in cases in which the Security Council has not fulfilled its primary responsibility for the maintenance of international peace and security, the General Assembly must take appropriate measures, in accordance with the Charter, to resolve the question.

By convening this important meeting, the General Assembly is playing the role and exercising the authority inherent to it with regard to the issues relating to the maintenance of international peace and security, as set out in Articles 10, 11, 12, 13, 14 and 35 of the Charter of the United Nations.

The Non-Aligned Movement is hopeful that, as a result of this meeting, the General Assembly will adopt without delay recommendations on concrete collective measures, in the context of resolution 377 A (V), in order to put an end to Israel's actions and address the suffering of the Palestinian people.

Israel, the occupying Power, has in the past few weeks continued to escalate its military aggression against the Palestinian people in the occupied Palestinian territories, particularly in the Gaza Strip.

As a result of the actions of the Israeli forces in Beit Hanoun on Wednesday, 8 November, at least 19 Palestinians — eight children and seven women among them — lost their lives while they where sleeping in their homes. Moreover, 55 people were injured. That incident occurred after an entire week of Israeli military operations in northern Gaza. The events in Beit Hanoun are unfortunately just further proof of what the Palestinian people have suffered for too many years as a result of the illegal occupation of their territory by Israel, the occupying Power.

According to the World Health Organization, from 1 to 8 November alone, 82 Palestinians lost their lives during the operations that took place in Gaza. The death toll was 21 children, 12 women and 49 men. Furthermore, 260 Palestinians were injured. Since late June, more than 450 Palestinians have died in the Gaza Strip.

The Non-Aligned Movement expresses once again its grave concern at the continued deterioration of the situation in the occupied Palestinian territory in recent days, particularly as a result of the excessive, indiscriminate and disproportionate use of force by Israel, the occupying Power, which has caused extensive loss of Palestinian civilian lives and injuries. The Movement condemns in particular the military assaults carried out by Israel, the occupying Power, in

the Gaza Strip, which have caused loss of life and extensive destruction of Palestinian property and vital infrastructure. The Movement also condemns the killing of many Palestinian civilians, including children and women, by Israel, the occupying Power, that took place in Beit Hanoun on 8 November 2006.

The Non-Aligned Movement expresses its grave concern at the dire humanitarian situation of the Palestinian people and calls for the provision of emergency assistance to Palestine. In light of the present situation, the Movement urges the General Assembly to act by taking the following measures.

First, it demands that Israel, the occupying Power, immediately cease its aggression against the Palestinian civilian population in the occupied Palestinian territory, including East Jerusalem, and immediately withdraw its forces from the Gaza Strip to the positions held prior to June 2006.

Second, it calls for an immediate cessation of hostilities between the Israeli and Palestinian sides.

Third, it requests the Secretary-General to establish a fact-finding mission on the attack that took place in Beit Hanoun on 8 November 2006 and to report back to the General Assembly within 30 days.

Fourth, it calls on Israel, the occupying Power, to scrupulously abide by its obligations and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Times of War of 12 August 1949 in the occupied Palestinian territory, including East Jerusalem.

Fifth, it stresses the urgency of ensuring that medical and humanitarian organizations be granted unhindered access to the Palestinian civilian population at all times and of allowing the severely injured speedy evacuation from the occupied Palestinian territory for needed treatment.

Sixth, it calls on the international community, including the Quartet, to take immediate steps to stabilize the situation and restart the peace process, including through the establishment of an international mechanism for the protection of the civilian populations.

Seventh, it stresses the importance of and the need to achieve a just, comprehensive and lasting peace in the Middle East based on all relevant Security Council resolutions, including resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), the Madrid terms of reference, the principle of land for peace, the Arab peace initiative adopted by the League of Arab States summit in March 2002 in Beirut, and the Road Map.

The Non-Aligned Movement reaffirms the permanent responsibility of the United Nations, including the General Assembly and the Security Council, in the question of Palestine, so long as it remains unresolved in all its aspects on the basis of international law. That includes a just solution to the difficult situation of the refugees, pursuant to General Assembly resolution 194 (III) of 11 December 1948.

The Non-Aligned Movement will continue to support the Palestinian people and its leadership in bringing an end to the Israeli occupation begun in 1967, in accordance with the rules and principles of international law and the relevant United Nations resolutions.

We ratify our unswerving commitment to a just and peaceful solution to the Israeli-Palestinian conflict and to the Palestinian people's right to exercise self-determination and sovereignty in its independent State of Palestine, taking as a basis the pre-1967 borders, with East Jerusalem as its capital.

I would like to conclude by calling upon all Member States to support the draft resolution contained in document A/ES-10/L.19, submitted for consideration at this meeting.

Mr. Mammadov (Azerbaijan): For the record, I should like to state that Azerbaijan, on behalf of the group of States members of the Organization of the Islamic Conference (OIC) at the United Nations, in its letter addressed to the President of the General Assembly, being issued as document A/ES-10/369, supported the request made by the Group of Arab States to reconvene the tenth emergency special session.

I am addressing the General Assembly today at its resumed tenth emergency special session in my capacity as the current Chairman of the OIC group at the United Nations on the issue of illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory. This special session is particularly important in view of the Israeli attacks in the Gaza Strip and the killing of Palestinian civilians in Beit Hanoun that took place on 8 November 2006.

The OIC group at the United Nations is deeply concerned about the continued deterioration of the situation on the ground in the Palestinian territory. The excessive and indiscriminate use of force by Israel, the occupying Power — particularly its recent aggressions in Beit Hanoun and Yamoun village, which led to extensive loss of civilian Palestinian lives, mainly women and children, and the ongoing military assaults carried out in the Gaza Strip and the occupied West Bank, which have caused extensive destruction of vital infrastructure of the Palestinian people — are severe developments that need to be addressed by the international community.

The dire humanitarian situation of the Palestinian people calls for the provision of emergency assistance to them. The situation should also prompt the international community, including the Quartet, to take immediate and serious steps to develop confidence-building measures between the parties involved by bringing them back to the negotiating table to revive the peace process in accordance with the resolutions of the General Assembly and Security Council.

In that regard, as the Chairman of the OIC group at the United Nations, I would like to state that the Islamic Conference of Foreign Ministers of the OIC member States will convene an emergency session on Saturday 18 November 2006 at OIC headquarters in Jeddah to examine the repercussions of the serious escalation of aggressions committed in the Palestinian territories. They will consider ways and means to extend the necessary support to the Palestinian people in facing the Israeli assaults, as well as the coordination of the Islamic position on the international scene.

In my capacity as the current Chairman of the OIC Group, I would like to state that the Group supports draft resolution A/ES-10/L.19. The ongoing deterioration of the situation in the Palestinian territory and the excessive and indiscriminate use of force by Israel have caused and will continue to cause extensive loss of civilian life and destruction of property there if no immediate step is taken to put an end to the aggression.

Before concluding my statement, I would like to emphasize that while we can leave it to history to pronounce its judgment on the outcome of our joint efforts to help bring peace and stability to the region as a whole, and to the people of Palestine in particular, the difficulties of our times place heavy burdens and common responsibilities on our shoulders today. The OIC Group at the United Nations urges the international community, including the Quartet, to shoulder its responsibility towards Palestinian people by taking urgent steps to stabilize the situation, resume the peace negotiations and restart the peace process with the hope of preserving international peace and security, as stated in the Charter of the United Nations.

Mrs. Asmady (Indonesia): Madam President, let me begin by expressing my delegation's appreciation to you for convening this emergency special session. It is timely and important to consider the serious developments in the occupied Palestinian territory and their implications for our efforts to resume the peace process in the Middle East.

In this regard, my delegation aligns itself with the statements delivered by the Permanent Representative of Cuba on behalf of the Non-Aligned Movement and by the representative of Azerbaijan on behalf of the Organization of the Islamic Conference.

This meeting follows the tragic killing of innocent Palestinians in Beit Hanoun, most of them children and women, in a single attack by Israeli forces last week. A total of 82 Palestinians were killed in the operations in one week. Words cannot describe the horror of the brutal Israeli military operations and the deliberate attacks on unarmed civilians. My delegation condemns those actions in the strongest terms.

Once again, the hopes of Palestinians and peacelovers in the Middle East that the Security Council would adopt a resolution faithful to the facts on the ground were thwarted. My delegation expresses its deep regret and dissatisfaction about the Council's failure to adopt the balanced draft resolution, a failure that is bound to inflame the sensibilities of Palestinians while suggesting insensitivity on the part of the United Nations.

This failure of the Security Council — the second time this year in similar circumstances — can only send the message that the international community condones Israel's aggression and policy of terror and its collective punishment of the Palestinian people. The persistent defiance of international law by Israel will only strengthen the growing global sentiment that justice does not apply when it comes to the question of Palestine. That situation could fuel the kind of hatred

that radical groups easily exploit for their own benefit, thereby strengthening the cycle of violence.

Obviously, this does not help to nurture trust among the parties to the conflict or the efforts to revive the peace process. In the interest of reflecting the true views of Member States, whom this Assembly best represents, this meeting is therefore of the utmost necessity if a just peace in the Middle East is ever to be achieved. The implication of Israel's exercise of its military muscle is that the entire peace agenda for the Middle East is endangered. The humanitarian situation continues to deteriorate, and the area is poised to return to full-scale conflict.

It is the Security Council's failure to adopt the resolution last week that now forces us to confront this scenario, and not for the first time. We call upon the General Assembly, therefore, to condemn Israel's actions and to take the necessary action to correct the situation by upholding relevant international law. We believe that action by the General Assembly, in view of the lack of agreement in the Security Council, could lead to alternative ways for the international community to halt and prevent widespread violence in the region and to deliver speedy humanitarian assistance to the Palestinian people.

Indonesia believes that we must move forward to a comprehensive settlement in the Middle East on the basis of the road map of the Quartet, the Arab Peace Initiative and relevant United Nations resolutions. To do this, it is necessary that the Assembly call on Israel to set aside its aggression and its unrelenting military incursions as a tool of coercion or intimidation. Israel must stop its premeditated military tactics against the Palestinian people and immediately withdraw its forces from the Gaza Strip. Israel must halt its disproportionate use of force and military operations that are clearly in flagrant violation of international law, the Fourth Geneva Convention and humanitarian and human rights law.

We fully believe that destroying civil infrastructure and inflicting indiscriminate attacks on civilians cannot be justified. Through these brutal acts, Israel seems determined to intimidate and humiliate the Palestinians in a vain attempt to consign them to perpetual subjugation and occupation.

At the same time, the Palestinians must take immediate and sustained action to bring an end to violence, including the firing of rockets into Israeli territory, as such violence will only be used as a pretext for Israel's continued collective punishment of the Palestinian people.

It is also the responsibility of the international community to support the protection of Palestinians and the preservation of their institutions. The international community and the Quartet must intervene to ensure that this desperate situation is brought under control, humanitarian assistance provided and the peace process revived.

My delegation is pleased to observe positive developments in the efforts to form a united Palestinian Government. We hope that the formation of the coalition Government will pave the way for the alleviation of the dire humanitarian situation that has been inflicted on the Palestinians because of the exercise of their democratic right to choose.

Finally, the Road Map was plotted to lead to a final and comprehensive settlement of the Israeli-Palestinian conflict through a two-State solution whereby an independent, democratic and viable Palestinian State lives side by side in peace and security with Israel and its other neighbours. That objective was originally scheduled to be achieved by 2005. With the support and active encouragement of the international community, this process must be put back on the table.

The reality is that we cannot set out on this road again unless Israel changes its violent and militaristic policies. Those policies contradict the pursuit of peace in the region. Therefore, it is the responsibility of the General Assembly to bring this message home to Israel in the strongest language available. My delegation therefore fully supports the draft resolution that is before the Assembly.

Mr. Hill (Australia): Australia is committed to a just, lasting and comprehensive solution of the Middle East conflict underpinned by a peaceful, negotiated settlement between Israel and Palestinian representatives. Australia supports a two-State solution that recognizes the legitimate aspirations of the Palestinian people and Israel's right to live in peace within secure and recognized borders, in accordance with Security Council resolutions 242 (1967) and 338 (1973).

Australia shares the international community's concern over the escalation in violence since the

kidnapping of Corporal Shalit by Palestinian militants from Gaza in June and over the increasing number of casualties in both Israel and the Palestinian territories. Australia calls on all sides to exercise utmost restraint and to avoid actions which lead to further violence or have an adverse humanitarian effect on the civilian population.

Australia recognizes that Israel has a right to defend itself against terrorist attacks. Israel Defense Force incursions have taken place in response to ongoing rocket attacks from Gaza into Israel. It is vital that the rocket attacks cease, in the interests of both the Israeli and Palestinian people.

The resumption of this emergency special session, in our view, does not assist the cause of peace in the Middle East. We encourage the General Assembly to act responsibly and to address the issues in a balanced and even-handed way. Australia is concerned that the proliferation of resolutions on the Middle East, particularly in special sessions, and the singling out of one side only for blame in a complex situation will do nothing to advance the cause of peace.

Only a return to the peace process and progress towards a two-State solution will permit an easing of the current critical situation in the Palestinian territories. A key to any revival in the Middle East peace process will be for the Palestinian Government to renounce violence and recognize Israel.

Australia, with the international community, has always stood ready to support the peace process. In recent months, there has been renewed commitment by some key players to resuming consultations, including by Arab States. Australia strongly supports continued international efforts for peace and will look for practical ways to contribute to new initiatives as they emerge.

For any initiative to succeed, it will need the cooperation of the parties involved. We strongly urge Israelis and Palestinians alike to work together and, with the support of the international community, to bring about a just, lasting and comprehensive peace.

Mr. Churkin (Russian Federation) (*spoke in Russian*): Despite the efforts of the international community, the situation in the Palestinian territories and the entire Middle East region remains very unstable. The tragic incident in Beit Hanoun on 8 November 2006 demonstrated that it is again civilians who are the main victims of the ongoing Israeli-Palestinian confrontation.

The situation is unacceptable not only from the perspective of the strict compliance of all sides with international humanitarian law. The deaths of innocent people undermine faith in a peaceful settlement of the Arab-Israeli conflict. It is in the common interests of all members of the international community — including, we are convinced, Israel and Palestine — not to allow fatalism and desperation to take root, as they will inevitably fuel terrorism and extremism.

Urgent, practical steps must be taken to break the crisis in Palestinian-Israeli relations. The Israelis and the Palestinians ought finally to show their political will, stop the violence and resume the negotiation process. We need collectively to clear the field for the Palestinian-Israeli dialogue instead of hindering its progress. That course has no reasonable alternative.

However dramatically the situation in the territory of the Palestinian National Authority unfolds, emotions should not take over. It is important to concentrate on concrete measures in support of the efforts of the international mediators, above all those of the Quartet, aimed at resuming Palestinian-Israeli negotiations and at normalizing the situation in the territory of the Palestinian National Authority and around it. Russia proceeds from the need to convene an urgent meeting of the Quartet at the ministerial level. If the meeting is to be fruitful, we should welcome the participation of the leading Arab States of the region, and, if possible, the Palestinians and the Israelis.

The Government of Israel bears great responsibility for preventing a further destabilization of the situation in the region. Its right and obligation to protect the lives and security of its citizens is not in question. However, that responsibility should not be met at the cost of harsh consequences for Palestinian civilians by violating, even unintentionally, international humanitarian law and standards. The disproportionate and excessive use of force should end. Otherwise, the vicious circle of violence will not be broken.

In their turn, the leaders of the Palestinian National Authority should take resolute measures to rein in the extremists, including suppressing the launch of Qassam rockets into Israeli territory, which provokes the Israeli authorities to respond by force. With adequate international support, the leaders of the

Palestinian National Authority should establish and maintain public order in the territory under its control.

Russia actively contributed to a generally balanced draft resolution to be submitted to the Security Council that would substantively reflect the situation and the steps necessary to improve it. Unfortunately, it was not possible to adopt such a draft resolution.

The Russian delegation has also contributed to the positive evolution of the draft resolution before the General Assembly in document A/ES-10/L.19. Russia will support its adoption and continue in every possible way to promote an equitable and comprehensive solution of the Palestinian-Israeli conflict and a settlement in the Middle East in general on the basis of Security Council resolutions, the Madrid conference understandings, the principle of land for peace and the Arab Peace Initiative.

Mr. Mohammad (Malaysia): Let me begin by associating myself with the statements delivered by the representatives of Cuba on behalf of the Non-Aligned Movement, Azerbaijan on behalf of the Organization of the Islamic Conference and Senegal on behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. My delegation endorses the statements delivered by the representative of Qatar on behalf of the Group of Arab States, and by the Permanent Observer of Palestine.

Malaysia strongly condemns the killings by Israel of defenceless Palestinian civilians in Beit Hanoun on 8 November and elsewhere in the occupied Palestinian territory. Malaysia considers deliberate and planned military aggression against the Palestinian people, which is characterized by excessive and indiscriminate use of force, as clearly reflecting Israel's continued and blatant disregard for innocent human lives. In doing so, Israel, with its State terrorism apparatus, has repeatedly committed genocide, war crimes and crimes against humanity which violate international law and numerous Security Council resolutions. Contrary to the arguments made by Israel, lasting peace can never be achieved if it continues to commit those acts under the pretext of combating terrorism.

We are compelled to meet here today as a result of the inability of the Security Council to take action on this issue. In this regard, Malaysia is extremely disappointed at the negative vote that was cast by the United States in the Security Council on 11 November on the draft resolution (S/2006/878) concerning the latest developments in Gaza. We believe that that action has, in effect, given Israel carte blanche to continue to commit such atrocities with impunity, which, in turn, is detrimental to efforts to revive the stalled Middle East peace process. In contrast, we highly commend those Security Council members which, cognizant of their Charter responsibility, voted in favour of the text, thereby signifying that they attach importance to upholding international law and protecting the lives of innocent human beings.

My delegation continues to recognize the important role of the members of the diplomatic Quartet. The Road Map which they painstakingly drafted had provided a real — although unfortunately fleeting — hope for peace. Three years have gone by since it came into existence — years of death, destruction and despair on both sides. Given the current situation on the ground and the steadily deteriorating overall situation in the region, it appears that the Road Map has been deliberately asphyxiated by Israel, clearly a Power mightier than the Quartet members combined. Efforts to put the Road Map back on track have apparently been an exercise in futility. It would seem that putting Israel in the driver's seat has done nothing but ensure that the Road Map leads nowhere.

My delegation shares the frustration of the international community, particularly Palestine and its Arab neighbours, at the lack of progress in finding a solution to the conflict. We therefore call upon the international community to generate collectively a new approach towards the protracted Palestine-Israeli conflict, bearing in mind the need to resolve it within the larger framework of the Arab-Israeli conflict. In that connection, my delegation supports the call by the League of Arab States for a new Middle East peace conference. Malaysia is ready to contribute to that process in order to achieve a lasting solution to the conflict. Furthermore, this effort must place the United Nations at its core. Unlike its role in the Quartet, we believe that the United Nations should not merely play a subservient role in the envisaged process, bearing in mind its permanent responsibility in seeking to comprehensively resolve the question of Palestine in all its aspects.

While serious efforts to resuscitate the Middle East peace process are under way, my delegation reiterates that we must immediately establish an

international mechanism to protect the civilian population in the occupied Palestinian territory, as called for in paragraph 8 of the draft resolution before us in document A/ES-10/L.19. We believe that, given the current circumstances of heightened tension, only the forcible separation of the two sides to the conflict would provide the necessary peace and security to enable the resumption of negotiations aimed at a political settlement.

Let me conclude by appealing to those States with influence in the Middle East to do their utmost to stop violence from spiralling out of control and not to allow the conflict to remain unresolved indefinitely, for the sake of Palestinians and Israelis alike and for the sake of peace and security in the region and of humanity at large.

Ms. Lintonen (Finland): I have the honour to speak on behalf of the European Union. The acceding countries Bulgaria and Romania, the candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, and the European Free Trade Association country Liechtenstein, member of the European Economic Area, as well as Ukraine and Moldova, align themselves with this statement.

The European Union expresses its deep concern at the escalating violence in Gaza and the West Bank. We strongly deplore the Israeli military action in Gaza, resulting in a growing number of civilian casualties, including women and children, as well as the unacceptable military operation in Beit Hanoun on 8 November 2006. We deeply regret the growing number of civilian casualties, many of them children, as well as the destruction of houses and other civilian infrastructure. The European Union calls on Israel to cease its military operations that endanger the Palestinian civilian population in the Palestinian territory.

While recognizing Israel's legitimate right to self-defence, the European Union urges Israel to exercise the utmost restraint, and underlines that action should not be disproportionate or in contradiction to international humanitarian law. It is also imperative that the humanitarian conditions of the Palestinian people be urgently alleviated.

The European Union also strongly deplores the firing of rockets into Israeli territory and calls on the Palestinian leadership to bring an end to such acts. We deplore the loss of an Israeli life in a Qassam rocket attack in Sderot on Wednesday. The deterioration of the situation will only aggravate the already grave circumstances in the region, where a return to a comprehensive peace process with a clear political perspective is urgently needed. To achieve this, an immediate cessation of violence is needed.

The European Union repeats its call for the immediate release of the abducted Israeli soldier. We also repeat our call for the immediate release of Palestinian ministers and legislators detained in Israel.

The European Union urges the Palestinians to work for national unity and to form a government with a platform reflecting the Quartet principles and allowing for early engagement. Such a government of national unity would also be a partner for the international community in support of the relaunching of the peace process.

The European Union reaffirms its intention to actively contribute to the work within the Quartet to get the Middle East peace process urgently back on track in order to make progress towards a comprehensive settlement on the basis of the Road Map, relevant Security Council resolutions and the commitments made at Sharm el-Sheikh in 2005. This should be done in close cooperation with Arab partners. The international community must provide its full support to the parties in this respect.

The European Union underlines the necessity of a political perspective and the reinvigoration of the peace process through the relaunching of negotiations. The European Union underlines the importance of preserving and strengthening the capacity of the institutions of the Palestinian Authority in order to support the objective of a future, independent, democratic and viable Palestinian State based on the rule of law.

The European Union reaffirms that it will not recognize any change to the pre-1967 borders other than those agreed by both parties. We recall the urgent need to make progress towards a comprehensive settlement of the Arab-Israeli conflict. The European Union underlines that it will actively continue its efforts to that end.

Ms. Graham (New Zealand): New Zealand is gravely concerned about the deepening crisis in Gaza, culminating in the terrible loss of life we have seen over recent weeks. The situation confronting Palestinian civilians is dire and must be urgently addressed.

Despite the kidnapping of Corporal Shalit and the repeated rocket attacks on Israeli territory, we cannot accept the disproportionate and indiscriminate use of force we have seen from the Israeli military in response. There is no justification for those violations of international humanitarian law, on one side or the other.

The futile cycle of reciprocal violence currently under way underscores the fact that there is no military solution to this conflict. We call on the parties to take immediate steps to restore stability and to create an environment in which peace is possible. In particular, we consider that there is an urgent need to restore the capacity of the Palestinian Authority to govern and exert control on its side of the border. We welcome moves to put in place a national unity government for the occupied Palestinian territories and stress that Israel and the international community must work urgently with the Palestinian Authority to restore access and the flow of resources to the occupied Palestinian territories, without which any attempt at effective governance is doomed to failure. We also call for the release of Palestinian officials detained by Israel.

For its part, the restored Palestinian Authority must take action to prevent further rocket attacks on Israel as soon as possible and intervene with the kidnappers of Corporal Shalit to help secure his release.

We hope that such steps will contribute to a stabilization and truce, providing space for a return to calm. Over the longer term, a radical change of current attitudes and expectations on the part of both Israel and the Palestinians will be necessary if they are to negotiate a lasting peace.

Mr. Maqungo (South Africa): My delegation wishes to associate itself with and support the statement delivered earlier today by the representative of Cuba on behalf of the Non-Aligned Movement in favour of the draft resolution that will be put before the Assembly.

The South African Government is deeply concerned at the escalation of the conflict in the Middle East. The recent attacks in Gaza have clearly raised tensions in the region to new and dangerous heights at a time when all sides in the Israeli-Palestinian conflict should be looking at ways to end the negotiation deadlock and move the peace process forward.

The increase in violence is threatening regional and international peace and security, and we urge the General Assembly to act decisively and take urgent action to resolve this conflict. The draft resolution to be submitted to the Assembly helps us meet this responsibility on the part of the United Nations.

My delegation reiterates its position that no party should take any unilateral action aimed at predetermining issues that can be resolved only through negotiation. We call on the Israeli Government to refrain from this type of action and, as a major military Power in the region, to act with restraint to avoid further civilian casualties and the destruction of vital infrastructure. We respect the right of a country to protect itself, but there can be no justification for the excessive actions of the Israeli Government.

Equally, we call on the Palestinians to stop firing rockets into Israel. The only lesson we have been able to learn from such retaliatory actions over the past decade is that they give rise to more violence.

The United Nations has been seized of this matter for more than 40 years. Its failure to find a lasting solution to this crisis is also a failure to give hope to the people of Palestine. If we fail to give such hope, the peoples of the region will believe that they have no other recourse but to engage in more violence and counter-violence. It is of concern that every time progress is made towards forming a government of national unity in Palestine, Israel intensifies its aggression, endangering the progress made.

We urge the Palestinian people not to allow themselves to be diverted by such provocative actions from their objective of forming a government of national unity. In that regard, the international community must accept its responsibility and relaunch the peace process.

In conclusion, we wish to reiterate our unwavering support for the Palestinian people in their struggle for the establishment of an independent State

of Palestine, with East Jerusalem as its capital, living side by side with Israel, with both States enjoying secure and internationally recognized borders. That vision of a two-State solution, as enshrined in Security Council resolution 1397 (2002) and the principle of land for peace, must therefore underpin any permanent settlement of the Middle East conflict.

Mr. Baum (Switzerland) (*spoke in French*): My country is deeply concerned about developments in the occupied Palestinian territory and in Israel. We are witnessing yet another dangerous spiral of violence and retaliation, taking place in a difficult economic, social and humanitarian environment. We regret that the Security Council has not been able to reach a political decision on the issue. The Human Rights Council also addressed the issue at a special session on Wednesday. In the future, it would be desirable for the main United Nations bodies to act in a concerted fashion.

In view of recent events on the ground, we would like to stress three points.

First, the Geneva Convention relative to the Protection of Civilian Persons in Times of War applies in all territories occupied by Israel. The rules of international humanitarian law apply to all parties to a conflict.

Secondly, respect for and implementation of the law are not subject to negotiation. The State of Israel has a special responsibility as much from the perspective of the law itself as with regard to the methods it uses and the actions it takes. That responsibility implies respect for the principles of distinction, proportionality and precaution by Israel in the context of its military operations. Switzerland regrets the fact that Israel did not take all the required precautions in accordance with international humanitarian law during its military action in Beit Hanoun on 8 November, which caused the deaths of 19 people, almost all of them women and children. Switzerland has taken due note, in that context, of the opening by Israel of an inquiry to determine the causes of the tragedy. Furthermore, Switzerland considers that all acts of violence committed by armed Palestinian groups against the Israeli civilian population — in particular the Qassam rocket attacks on Israeli territory, which killed a civilian in Sderot on 15 November — constitute a flagrant violation of international humanitarian law.

Thirdly, the protection of the civilian population must be given the highest priority by all. It is incumbent on all parties to live up to their responsibility to distinguish between civilians and combatants. The same applies to the necessary distinction between civil and military infrastructures. The personnel, infrastructures and means of transport of impartial humanitarian organizations must be protected and their activities facilitated by all parties to the conflict.

Respect for international humanitarian law and human rights is an essential precondition for a resumption of the peace process. The only reasonable way forward is that of political dialogue, and the international community must commit to it as early as possible. In that respect, it is essential to support President Abbas in his efforts to form a Palestinian government of national unity.

Mr. Amil (Pakistan): The United Nations has a permanent responsibility towards the question of Palestine until it is resolved in all its aspects in a satisfactory manner and in accordance with international legitimacy.

The reconvening of this emergency special session is a recognition of the fact that the failure of the Security Council to discharge its responsibilities on behalf of all the Member States does not relieve Member States of their obligations, or the United Nations, in particular the General Assembly, of its responsibility under the Charter with regard to the maintenance of international peace and security.

It also reaffirms that the discharge by the General Assembly of its responsibilities in those respects calls for possibilities of observation that would ascertain the facts and expose aggressors, and for the possibility of the timely recommendation by the General Assembly to Members of the United Nations for collective action which, to be effective, should be prompt.

The illegal Israeli actions, including indiscriminate and disproportionate use of military force in the occupied Palestinian territories — particularly the escalation in Gaza recently, including the killing of innocent children and women in Beit Hanoun on 8 November — are acts of such gravity that they cannot leave the collective conscience of the international community unmoved. It is no wonder there is widespread condemnation of those acts and calls for an end to the impunity enjoyed by Israel.

There is a universal demand for respect for international human rights and international humanitarian law. In the face of those atrocities, sympathy, solidarity and support for the Palestinian people remain universal and stronger than ever.

It is unfortunate that the Security Council has persistently failed to respond to loud and clear calls for action, including those made recently by many of us at its meeting on 9 November. But while the Security Council has not risen to the challenge, the United Nations should.

On 15 November, the Human Rights Council adopted a resolution on the human rights violations emanating from Israeli military incursions in the occupied territories, including the assault in Beit Hanoun, and decided to dispatch urgently a high-level fact-finding mission. Today, the General Assembly is shouldering its responsibilities.

Pakistan fully supports the statements of the representatives of Cuba and Azerbaijan on behalf of the Non-Aligned Movement and the Organization of the Islamic Conference (OIC), respectively. The OIC foreign ministers are meeting tomorrow in Jeddah to chart out a collective response to the situation, including the provision of necessary support to our Palestinian sisters and brothers.

We support the call for an immediate ceasefire in the occupied Palestinian territories that is credible, sustainable and verifiable. Pakistan also supports the request to the Secretary-General to establish a fact-finding mission on the Beit Hanoun attack and to report to the Assembly within 30 days. The independent investigation should also look into the implications of that incident for the violation of international humanitarian law.

Beyond those immediate measures and provision of humanitarian assistance, the international community should renew efforts for a just, comprehensive and durable peace in the Middle East. That strategic objective was underlined in the penultimate paragraph of Security Council resolution 1701 (2006), which brought an end to the recent conflict in Lebanon. The same vision is also contained in the draft resolution now under consideration by this Assembly, and which we support.

The events in the occupied Palestinian territories have global reverberations. President Musharraf has stated that the greatest challenge to global security, to the campaign against terrorism, to the promotion of harmony among civilizations, and to the credibility of the United Nations is the cauldron of conflict that is the Middle East. We must address all the festering problems of the region comprehensively and fairly. It is time, first and foremost, to end the tragedy of Palestine, which is the core of the Middle East conflict and the major source of anger that is felt by many people throughout the Muslim world.

Pakistan remains steadfast in support of the legitimate struggle of the Palestinian people for freedom, self-determination and a viable, sovereign and independent Palestinian State. The basic framework and elements of a solution are already there: in the previous agreements; the relevant Security Council resolutions, including resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003); the principle of land for peace; the Arab Peace Initiative; and the Road Map.

The calls for a ceasefire and a resumption of the peace process should be heeded. To that end, Pakistan would again urge the two sides, Israel and the Palestinians, to take a series of immediate and simultaneous confidence-building measures.

Israel should immediately end its military campaign in Gaza; release Palestinian prisoners, including Cabinet members and legislators; remove checkpoints and other obstacles to facilitate the access and movement of civilians and humanitarian workers; halt and reverse the construction of the separation wall; freeze settlement activities; release customs and value-added-tax payments to the Palestinian Authority; and accept negotiations with the Palestinian Authority, led by President Mahmoud Abbas.

We also appeal to the Palestinian side to halt the rocket attacks and violence, to secure the release of the captured Israeli soldier and to achieve internal cohesion. We hope that the ongoing efforts to establish a national unity government will be fruitful.

Those confidence-building measures should lead to early negotiations, with the support — and, as necessary, the intercession — of the Security Council, the Secretary-General, the Quartet and all others able and willing to assist.

We understand that these are difficult issues, but their solutions are not beyond the capacity of

diplomacy and ingenuity. What is required is a commitment to peace, political will on the part of all to move forward and a fair and impartial supporting role to be played by the international community. The Security Council also has a golden opportunity to silence its critics by playing such a role.

It is a reality that each passing day of violence and reprisals is a setback to the quest for a peaceful settlement of the Palestinian question and for durable peace in the Middle East. There is also another important reality: that durable solutions cannot be imposed by force or unilateral actions. We must therefore restore the hope for peace and pave the way for dialogue and negotiations. That is the larger message that should emanate from today's meetings.

Mr. Chaderton-Matos (Bolivarian Republic of Venezuela) (*spoke in Spanish*): At the outset, I wish to associate myself with the statement made by the representative of Cuba in his capacity as Chair of the Non-Aligned Movement.

The situation in the Middle East region constitutes one of the greatest moral debts of the international community, and in particular of the United Nations. The Organization was established with the mandate of ensuring international peace and security and compliance with the Universal Declaration of Human Rights and the norms of coexistence of the community of nations.

Last August, the Security Council adopted with curious rapidity two resolutions aimed at preventing alleged potential threats to international peace and security, but waited four weeks to take action on the real and grave situation in Lebanon. Those four weeks of astonishing inaction by the United Nations made it possible to carry out a massacre of the civilian population and the destruction of installations, infrastructure and other targets, including civilian targets. More recently, we witnessed how new violations of human rights and international humanitarian law, such as the 8 November 2006 massacre at Beit Hanoun, were again shielded by the power of the veto.

This convening of the tenth emergency special session demonstrates to us once again the need to democratize the Organization. It is a clear exercise in the revitalization of the General Assembly. The use of the veto has no standing in this forum, but it certainly did in the case of the draft resolution voted upon last Saturday, 11 November 2006, in the Security Council.

The Bolivarian Republic of Venezuela expresses its firmest support for the Human Rights Council's condemnation on 15 November 2006 of the massacre of Palestinian civilians in Beit Hanoun and Gaza, the establishment of a high-level mission and the actions of the United Nations High Commissioner for Human Rights, Ms. Louise Arbour, in relation to the Palestinian situation. We reaffirm the provisions of Human Rights Council resolution S-2/1, which condemns the systematic human rights violations committed in Lebanon by the unrestrained militarist elite of the State of Israel, and we demand respect for the Fourth Geneva Convention and its two Additional Protocols relating to the protection of victims of armed conflicts.

Our country rejects the use of violence as an instrument to resolve conflicts. Indeed, self-defence and proportionality are not unrelated legal concepts: the first is a reason for justification, and the second is an element of the first. There can be no self-defence without proportionality. Therefore, if excesses are committed in the course of defensive action, then the use of force ceases to be legitimate and becomes aggression unrelated to any previous act.

Accordingly, my delegation fully agrees with the statement dated 9 November 2006 by the Coordinating Bureau of the Non-Aligned Movement (A/61/572, annex). We have no doubt that draft resolution A/ES-10/L.19, introduced today, will have the support of the international community and will be a voice crying out in the midst of passive complicit silence — a voice demanding the right to life, of which the victims of Beit Hanoun were deprived.

The delegation of the Bolivarian Republic of Venezuela reiterates that the right to life is an inalienable right that has been enshrined in our national constitution from the beginning. The Organization is called upon to respect and defend that right. All of us, without any distinction as to race, religion or political ideology, must comply with and ensure respect for the norms of international law defending the right to life of Palestinians, Israelis, Lebanese, Buddhists, Sikhs, Christians, Jews, Muslims, Hindus, atheists and all other citizens of the planet, because it is not by accident or chance that we have all signed a Universal Declaration of Human Rights.

With regard to tolerance and coexistence, we do not need to reinvent the wheel. Before 1492, 500 years ago, Muslims, Christians and Jews lived in peace as brothers in Al-Andalus, Spain and Sepharat. Those were three names describing the same country, used by Muslims, Christians and Jews, respectively. Perverse historical developments resulted in tragic and abominable distortions such as anti-Semitism and the Holocaust — fundamentally European and Christian phenomena. Here, it should be recalled that the Jewish diaspora after 1492 found refuge and protection in Christian countries such as the Netherlands and in Muslim countries such as Turkey, Syria and Iran.

More than 60 years ago, Jewish victims of Nazi barbarism received the courageous protection of King Mohammed V of Morocco. Thus, the time has come for collective and democratic reflection so as to put an end to the incremental holocaust carried out against the Palestinian people.

Mr. Shinyo (Japan): Japan is deeply concerned about the deteriorating situation in the Middle East concerning Palestine and Israel, in particular the continuation of the rocket attacks by Palestinian military groups and the recent military operations by the Israel Defense Forces, which have taken a heavy toll, including the loss of innocent civilian lives.

The situation in Palestine is now at a critical juncture. Restoring the hope of the Palestinian people, advancing peace and helping them to realize their aspirations require, more than anything else, the prevention of a further aggravation of the situation and an end to the vicious cycle of violence. Japan strongly calls upon all parties concerned, foremost among them Israel and Palestine, to exercise maximum restraint.

Japan strongly deplores the fact that the Israeli military action in Beit Hanoun on 8 November caused many new civilian casualties. It is likewise deplorable that Israeli civilians were killed or injured by the Qassam rockets fired by Palestinian military groups on 15 November. Those attacks cannot be justified. We express our condolences to the families of all of the victims. The increasing violence, as manifested in those attacks, is not only a worrying development from the humanitarian perspective; we are also concerned that it may have a negative impact on the chances for dialogue, at a time when serious efforts have been made for the formation of a new Palestinian government.

Japan recognizes that the Government of Israel has the right and the obligation to protect its citizens. However, the Government of Israel should avoid any actions which may lead to civilian casualties. We also hope that the Government of Israel will make serious efforts to expeditiously determine the causes of the incident in Beit Hanoun and to prevent the recurrence of such a tragic incident through the activities of the investigatory panel established within the Israel Defense Forces.

Japan urges the Government of the Palestinian Authority to take appropriate measures to put an immediate end to the violence by Palestinian extremist groups, including rocket attacks against Israel. We also demand that Palestinian military groups halt the violence.

I wish to provide assurances that Japan, under the new Government led by Prime Minister Abe, will continue to address the Middle East process proactively and constructively. That message was conveyed to the high-level officials concerned in Israel, Palestine and Syria when Mr. Tatsuo Arima, Special Envoy of the Government of Japan for the Middle East peace process, visited the region last week. Mr. Arima also encouraged the parties to make further and more positive efforts for the promotion of peace in the Middle East.

Japan renews its call upon the Palestinian Authority to bring about the safe return of the Israeli soldier abducted in June. We also call upon Israel to release the Palestinian ministers and others held in custody.

Japan strongly hopes that the recent efforts for the establishment of a new Palestinian government will continue. With a view to breaking the current stalemate, we urge Palestinians to find ways to overcome their differences and support a new government of the Palestinian Authority which will renew its efforts to achieve coexistence and mutual prosperity with Israel. We expect that Israel will support the efforts of President Abbas aimed at achieving a breakthrough. If a new government of the Palestinian Authority makes it clear that it will pursue the realization of peace through peaceful negotiation with Israel, the international community should actively extend support for such a policy.

The deteriorating humanitarian situation among Palestinians is a matter of deep concern to our

Government. We re-emphasize that it is important that the international community, including Israel, continue to provide the needed assistance in order to address this situation. In this regard, we stress that an early resumption by the Israeli Government of the transfer of tax and customs revenues to the Palestinian Authority, as well as the full implementation of the Agreement on Movement and Access, concluded in November 2005, are matters of the utmost priority.

For our part, we have been steadily implementing our pledge of $25 million in humanitarian assistance to the Palestinian people, made upon the visit of former Prime Minister Koizumi to Palestine in July. At the same time, we are making efforts aimed at the creation of a corridor for peace and prosperity, which aims at facilitating coexistence and mutual prosperity between Israel and Palestine in the mid to long term, through consultations among Government representatives of the four parties concerned, including Jordan. We have dispatched a study mission to the region, and we are making efforts to realize this plan. Japan, as a long-standing major donor to Palestinians, will make every effort to continue to provide assistance to the Palestinian people.

Japan reiterates the importance of achieving and the need to achieve a just, comprehensive and lasting peace in the Middle East, based on all the relevant resolutions of the Security Council, the Madrid terms of reference, the principle of land for peace, the Arab Peace Initiative adopted by the League of Arab States at the Beirut Summit in March 2002 and the Road Map.

In conclusion, Japan will continue to cooperate with the international community in achieving the mitigation of tensions and the restoration of stability in the region.

The meeting rose at 1 p.m.

United Nations A/ES-10/PV.29

General Assembly
Tenth Emergency Special Session

Official Records

29th meeting
Friday, 17 November 2006, 4 p.m.
New York

President: Ms. Haya Rashed Al Khalifa ..... (Bahrain)

The meeting was called to order at 4.20 p.m.

Agenda item 5 (*continued*)

Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Draft resolution (A/ES-10/L.19)

Mr. İlkin (Turkey): Turkey aligns itself with the statement made by the Permanent Representative of Finland on behalf of the European Union. I shall therefore try to be brief.

Given the increased human suffering in the Palestinian territories and the bleak prospects for the peace process, we believe that now is the time for collective reflection on where we have gone wrong. In that regard, what is transpiring in the Gaza Strip is unacceptable. The killing of innocent civilians cannot be justified by any means. We were particularly shocked by the incident that occurred in Beit Hanoun on 8 November. The images of dead women and children, who posed no military threat whatever, were truly heartbreaking.

We of course recognize Israel's right and obligation to defend its own citizens. Accordingly, we condemn the Qassam rocket attacks into Israeli territory. But we equally condemn the disproportionate use of force against civilians, which breeds nothing but more violence, hatred and insecurity. We therefore join others in calling upon Israel to immediately cease its military operations in Gaza and to bring to justice those responsible for the tragedy in Beit Hanoun. At the same time, we reiterate our appeal to the Palestinian Authority to do whatever is necessary to stop rocket attacks against innocent Israeli civilians.

In the light of the spiral of violence, it should be obvious to everyone by now that there can be no military solution to the Arab-Israeli conflict. The more we rely on military means, the more we diminish the chances for a lasting peace. I believe that to be the irrefutable premise on which we should build our efforts. To that end, we should first provide hope and relief to the Palestinian people. We must create the necessary conditions that will allow them to look towards the future and see reliable prospects for security, prosperity and stability. Of course, the Israeli people deserve no less. They too should be able to live in peace and security with their neighbours and reap the benefits of cooperation and stability.

The only viable way to achieve those objectives includes the resumption of meaningful negotiations between the two sides on the basis of the Quartet's Road Map, which envisages a two-State solution. We believe that the efforts of President Abbas to bring about national unity along those lines will constitute an important step in the right direction. We should therefore spare no effort to support him in that important endeavour.

Achieving a just and lasting resolution to the conflict requires courage and a bold vision on the part of both Israelis and Palestinians, as well as all countries capable of influencing the situation. Difficult though it may be, there is no other option. We should

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therefore all act responsibly and strive to put the peace process back on track without further delay.

We hope that today's meeting will serve as an alarm bell as to the urgency of the matter, and that it mobilizes all the necessary elements towards that end. For its part, Turkey, in full cooperation with all the parties concerned, will continue to make its best efforts to bring peace and stability to the region.

Mr. Sen (India): I thank you, Madam President, for reconvening the tenth emergency special session of the General Assembly, on a matter of grave and abiding concern to the international community: the situation in the Middle East and, in particular, the core reason for instability in that region, the question of Palestine.

We share the deep concern voiced today by many delegations at the deteriorating situation in Gaza and the recent tragic and terrible loss of life in the region. We also share the deep sense of sorrow at the tragic tale of death, destruction, injury and misery that has been visited upon so many families as the tragedy has continued to unfold over the past few months. The loss of 19 lives on 8 November at Beit Hanoun is set in the depressing context of a wider tragedy in the Middle East.

While we join other delegations in conveying our heartfelt condolences to all bereaved families at the losses they have suffered, we believe that some form of action is essential to avoid further tragedies. We have noted the announcement by the Government of Israel of an inquiry into that incident. We hope that its results will be publicized and that action will be taken swiftly against those responsible. We also note that the draft resolution that is before us in document A/ES-10/L.19 calls for a fact-finding mission to the region. We hope that the mission returns not only with a reconstruction of the events of that tragic morning but also with suggestions to avert the repetition of similar tragedies. These recent incidents only reinforce our conviction that moral courage of a very high order is needed to break the vicious circle of violence and counter-violence.

It was not long ago that the situation in the Middle East looked more promising. Just last year, we welcomed the implementation by Israel of its plan for disengagement from the Gaza Strip and parts of the West Bank. At that time India described this as a significant first step that we hoped would culminate in a mutually acceptable, negotiated settlement in accordance with the Road Map and the relevant Security Council resolutions. We also hoped that democratic elections in the Palestinian areas and the formation of a new governing coalition in Israel would stimulate a welcome resumption of the peace process, just as we hoped that all concerned would show flexibility to produce compromises that are essential to transcend rigid positions.

Tragically, the outcome was the opposite. We have watched with growing alarm as the reluctance of the international community to deal with the newly elected Palestinian Government has led to both an almost complete suspension of international assistance as well as to the withholding of Palestine's share of taxes and revenues. The resulting near-total collapse of the Palestinian economy is fuelling an already volatile situation, particularly among disaffected young people. Renewed rocket attacks and suicide bombings in Israel have led to civilian casualties. The abduction of an Israeli soldier led to disproportionate and unjustifiable massive military retaliation, besides the detention of elected Palestinian representatives and Cabinet ministers. No dialogue is possible in such circumstances. The use of force and the evisceration of countervailing power can only deepen the crisis by deepening the sense of loss.

We all agree that violence will produce no durable solution. That can come only from meaningful, sincere and results-oriented dialogue — a dialogue aimed at finding a way forward. From the very beginning, India has always advocated a peaceful settlement. To give just one example, Jawaharlal Nehru, in a note on Palestine written as early as 4 April 1948, envisaged a federation in Palestine, with fully autonomous Israeli and Palestinian units. It is in that context that we have consistently urged the resumption of direct dialogue based on the Quartet principles.

To that end, we have joined the vast majority of countries that have consistently affirmed their commitment to a negotiated two-State solution accepted by the two principals that would result in a viable, contiguous, sovereign and independent Palestinian State existing side by side with Israel in peace and security. We have regularly reaffirmed that the Road Map, as endorsed by Security Council resolution 1515 (2003), remains the fundamental framework to resolve this bitter conflict. We support the call of the Secretary-General to consider innovative ways by all sides to fully implement the Road Map, which would lead without delay to a solution to this conflict based

on relevant United Nations resolutions, including Security Council resolutions.

A source of anxiety is that continuing to sow dragon's teeth would make a viable Palestinian State extremely difficult, besides creating bitterness for generations. Some simple and moving words of Edward Said, written in New York on 10 January 1992, remain pertinent: "If Israelis and Palestinians can have any decent future, it must be a common one not based on the nullification of one by the other".

We cannot but be deeply concerned by the humanitarian cost, which is often overshadowed by the larger and more gruesome headlines that violence begets. The spiral of chaos and violence has long-term implications for the stability of the entire region. We call for the adoption of urgent measures to improve the humanitarian and economic conditions of the Palestinian people. In that context, we welcome the announcement two months ago by the Quartet principals of the continuation and extension of the temporary international mechanism to provide a channel for the donor community to extend assistance directly to the Palestinian people.

We have launched our own modest efforts to help avert a larger humanitarian crisis in Palestine. Apart from earlier announcements of assistance, including a grant of $15 million announced during the visit of President Abbas to India last May, we have recently delivered the first tranche of medicines and medical supplies that formed part of an announced humanitarian assistance package worth $2 million.

In conclusion, we hope that the Quartet and all relevant regional players will work to de-escalate the situation, end the cycle of violence and counter-violence and avert the humanitarian crisis that currently faces us.

Mr. Abdelaziz (Egypt) (*spoke in Arabic*): At the outset, I would like to express my appreciation to you, Madam President, for your speedy response to the request to reconvene the tenth emergency special session of the General Assembly to consider ongoing Israeli violations, the most recent of which was the Beit Hanoun massacre in Gaza. We also endorse the statements delivered by the representative of Cuba on behalf of the Non-Aligned Movement and by the representative of Azerbaijan on behalf of the Organization of the Islamic Conference.

Undoubtedly, the Security Council's failure to shoulder its responsibility for the maintenance of international peace and security and the protection of Palestinian civilians from repeated acts of murder and aggression at the hands of the Israeli war machine as a result of the use of the veto by a member of the Security Council, even after the draft resolution had been amended, requires the General Assembly — the most democratic body of the United Nations — to send a strong message that the international community strongly disapproves of the protection provided by the Security Council to Israel despite that country's crimes and violation of international law and the commitments incumbent upon it as an occupying Power under the Fourth Geneva Convention and other principles of international humanitarian law.

We can no longer continue to close our eyes to repeated Israeli attacks on the occupied Palestinian territories. It is unacceptable to interpret the legitimate right to self-defence as the right to kill innocent people in their sleep and to target essential Palestinian infrastructure by every military means. It is also unacceptable to claim that the incident at Beit Hanoun was a tactical error. We oppose any Israeli aggression against any Palestinian civilian, whether intentional or caused by tactical or strategic error, as the human rights of Palestinians are totally equal to Israeli human rights in all fields.

The delegation of Egypt expresses its great regret at the use of the veto against two consecutive Security Council draft resolutions aimed at protecting the human rights of Palestinians from Israeli aggression. That contradicts the new vision that we initially adopted to respect human rights in all countries without distinction. That means that the General Assembly, as the principal organ responsible for the protection and respect of human rights, must intervene through practical measures to ensure that respect and to guarantee that such acts of aggression will not be repeated in the future. This is particularly true given that experience has proved that neglecting the responsibility to maintain international peace and security risks the continuation of selectivity, politicization and double standards in dealing with issues related to human beings.

We therefore support draft resolution A/ES-10/L.19, which calls for the immediate cessation of Israeli military assaults, Israel's withdrawal from Gaza to the positions held prior to 28 June 2006, the

establishment of a fact-finding mission on the incident at Beit Hanoun and the establishment of an international mechanism for the protection of Palestinian civilians. We also emphasize the need to undertake other necessary concrete measures to stabilize the situation and to resume the peace process through the implementation of a number of confidence-building measures that will allow both parties to reach a new political horizon, and not just to announce promises and implement limited measures without finding a radical solution to the core issue by ending the occupation.

In that context, Egypt would like to underscore the importance of several measures that could help to restore confidence and lead us back to the peace process. First, as the occupying Power, Israel must fulfil its responsibilities and duties under the Fourth Geneva Convention. That includes refraining from targeting civilians and from all the forms of violence and collective punishment that it practices, which are flagrant and repeated violations of the human rights of Palestinians living under occupation and which also constitute crimes punishable under international law, and under criminal, civil and international human rights law. In addition, a standing international monitoring mechanism between the Palestinians and the Israelis must be established to ensure that such violations are not repeated.

Secondly, Israel must lift its blockade against the Palestinian people and take swift action to address the deteriorating humanitarian situation in Gaza and the West Bank. Israel must also cease its construction of the separation wall and resume compliance with the Agreement on Movement and Access, implementing its provisions to facilitate the movement of Palestinians and allowing them to receive humanitarian assistance, especially through the Rafah border crossing, which should be reopened permanently.

Thirdly, the international community, through the United Nations and its constituent bodies, must move away from the policy of double standards in dealing with the question of Palestine. The Security Council must assume its abandoned responsibility to protect Palestinian civilians. It must also end its silence in the face of the human rights violations perpetrated by the occupying Power in the occupied Palestinian territories by dispatching a fact-finding mission to investigate Israeli violations and to determine criminal and civilian responsibility for the effects on the Palestinian people of repeated Israeli aggression.

Fourthly, we must establish the appropriate environment for the resumption of negotiations through the release both of the abducted Israeli soldier and of Palestinian prisoners, as well as the immediate release of the Palestinian ministers, parliamentarians and officials detained by Israel. Israel must also cease its military operations, in parallel with a halt by the Palestinian side to the launching of rockets into Israel from Palestinian territory; this must take place under international supervision.

Fifthly, all relevant international actors, and in particular the members of the Quartet, must act immediately to bring both Palestinians and Israelis back to the negotiating table. They must also take effective steps to address the question of Palestine in all its dimensions through final-status negotiations, as was requested by Arab Foreign Ministers during the special meeting of the Security Council held on 21 September 2006 (see S/PV.5530). That would be the best approach to achieve a just peace on the basis of a two-State solution ensuring the establishment of a sovereign, independent and viable Palestinian State living side by side with Israel in security, peace and stability.

In order to achieve a just and comprehensive peace, Egypt welcomes all creative and innovative initiatives based on a sincere desire to reach such a peace without allowing the interests of one party to prevail over those of the other. That would result in the realization of international legitimacy based on justice, equality and respect for international law.

In order to achieve such justice, we look forward to speedy action by the Fifth Committee, before the end of today's debate. We also hope that the draft resolution before the Assembly will be adopted at today's meeting. We have waited for it for too long.

Mr. Bolton (United States of America): Just yesterday, the Third Committee adopted a draft resolution that stressed the need to avoid politically motivated and biased country-specific human rights resolutions. It called upon Member States to resist the "selective targeting of individual countries" and to avoid "double standards" (*A/C.3/61/L.31/Rev. 1, para. 4*). To be sure, many of the sponsors of that draft resolution are notorious abusers of human rights themselves and were seeking to deflect criticism of their own policies. But we find it deeply ironic that we are here, just one day after the Third Committee called

upon Member States to act with "impartiality and objectivity" (*ibid, para. 3*), discussing a highly politically motivated and biased country-specific draft resolution against a country that has for decades been the target of the General Assembly: Israel. The United States requests a recorded vote on draft resolution A/ES-10/L.19, and we will vote "no".

Once again, the General Assembly, meeting in emergency special session, has been presented with a one-sided and unbalanced draft resolution addressing the Israel-Palestinian conflict. This draft resolution, like others before it, masks an agenda that has little to do with the Israel-Palestinian conflict, which in any event is not addressed in an honest and even-handed manner. This draft resolution's deficiencies are numerous and familiar. Because the draft resolution fails to take a realistic, fair and constructive approach to the Israel-Palestinian conflict, it will fail to advance the aspirations of the Palestinian and Israeli peoples for a more secure, peaceful and prosperous life, a goal so many of us share.

Unfortunately, this type of draft resolution serves only to exacerbate tensions by serving the interests of elements hostile to Israel's inalienable and recognized right to exist. In doing so, it deepens suspicions about the United Nations that will lead many to conclude that the Organization is incapable of playing a helpful role in the region.

The challenge of advancing towards the vision of two States, Israel and Palestine, living side by side in peace and security requires serious and determined efforts by the parties and the constructive support of countries in the region and the international community. Regrettably, we continue to see little in the way of constructive support for genuine efforts to move towards the two-State goal.

However, in a larger sense, the United Nations must confront a more significant question, that of its relevance and utility in confronting the challenges of the twenty-first century. We believe that the United Nations is ill-served when its Members seek to transform the Organization into a forum that is little more than a self-serving and polemical attack against Israel or the United States. Moreover, the nature of group dynamics in this Organization is seriously hampering the principles on which the Organization was founded. While we know there are many who would prefer to see improved cooperation, a more effective General Assembly and the relevance of our actions to the real world, this draft resolution is another example of moderate elements being held hostage by a few extreme States or those whose parochial political agendas distort the ostensible purpose of this and other draft resolutions.

Since its inception, earlier this year, the Human Rights Council has quickly fallen into the same trap, and has delegitimized itself by focusing attention almost exclusively on Israel. Meanwhile, it has failed to address real human rights abuses in Burma, Darfur, the Democratic People's Republic of Korea and other countries. Sadly, the Human Rights Council appears to be developing into an organ that is worse on this score than its predecessor.

This problem of anti-Israel bias is not unique to the Human Rights Council. It is endemic to the culture of the United Nations. It is a decades-old systemic problem that permeates the whole panoply of United Nations organizations and agencies. Beyond the General Assembly, the Security Council and the Human Rights Council, the sponsors of today's draft resolution have diverted the efforts of non-political United Nations bodies such as UNESCO, the International Telecommunications Union, the Universal Postal Union and the International Labour Organization with one-sided polemics that are irrelevant, and indeed harmful, to the non-political mandates of those agencies — and unhelpful to the cause of the Palestinian people and regional peace. Those efforts serve only to erode the credibility of the United Nations and to undermine the goal of resolving the underlying conflict.

The consequences of that persistent, unconstructive and biased approach are painfully clear: not one Palestinian is helped, and the United Nations continues to be discredited by its inability to confront the serious challenge of the Israel-Palestinian conflict in a serious and responsible manner. Member States must choose. Do we desire a viable United Nations system composed of agencies respected for their role in conflict resolution, human rights, economic development, education and culture, or will we continue to acquiesce in a narrow agenda of bias, stalemate and polemics? Member States must demonstrate the will to break with the past and make the United Nations a relevant voice not only for the Israel-Palestinian conflict but for other conflicts and issues worldwide.

Mr. Zarif (Islamic Republic of Iran): Allow me to begin by extending to you, Madam President, my delegation's appreciation for reconvening the tenth emergency special session of the General Assembly in the wake of the inaction imposed on the Security Council as a result of the abuse of the veto by the United States. This meeting of the General Assembly is indeed timely and essential to address the serious threats that the Israeli regime's carnage has posed to peace and security in the region and beyond.

The latest Israeli war campaign in Gaza, carried out through, inter alia, the shelling and air bombardment of residential areas and vital infrastructure, especially in Beit Hanoun, has led to the deaths of more than 100 civilians, many of them women and children, and the wounding of over 360. It has also wreaked havoc on residential, administrative, medical, educational and religious buildings, resulting in the aggravation of the humanitarian situation in the Palestinian territories.

It is necessary for this body to deal with this issue because, on 8 November, the international community was deeply appalled to learn that 19 innocent civilians, including women and children, were massacred in cold blood, with dozens of others wounded, when, in an act of State terrorism committed by the Israeli regime, their homes were shelled. That horrendous crime yet again demonstrated the determination of that regime to flout the most basic norms and principles of international law, as well as its contempt for the United Nations. It also exposed the policy of the United States to continue to provide cover for the Israeli regime's continued criminal conduct.

While the international community was impatiently awaiting resolute action by the Security Council regarding Israeli crimes in Gaza last week, and at a time when the majority of Council members were ready to take such action, another veto by the United States was cast in blatant disregard for the will and desire of the international community. Protecting the Israeli regime and providing it with cover and a shield to continue its routine but no less dangerous and criminal behaviour with total impunity entails responsibility for the multifaceted regional and international crises directly resulting from those policies and practices.

The latest United States action to torpedo the modest efforts in the Security Council should be seen in the wider context of its attitude and behaviour towards the United Nations, and towards multilateralism in general. While the United States prevents the Security Council from addressing these real threats to international peace and security, it actively pushes to crowd the agenda of the Council with fictitious concerns that serve its short-sighted interests and those of a few of its allies. It is evident that this runs counter to the interests of the overwhelming majority of the members of the international community, which the United Nations was established to serve.

It is therefore incumbent upon the international community and the General Assembly to effectively deal with the illegitimate designs, unlawful policies and atrocious crimes of the Israeli regime and to put an end to Israel's aggression and its ongoing unlawful occupation of Palestinian territory. In doing so the General Assembly should send a clear message to the Israeli regime to stop its campaign of State terrorism, aggression and occupation directed against Palestinians and others. In that context, the General Assembly should, inter alia, strongly condemn those crimes, demand the immediate cessation of the Israeli military assault against Palestinians, establish a fact-finding mission on the recent round of Israeli aggression and address the dire humanitarian situation of the Palestinian people. We, the members of this universal body, should not rest unless and until those goals are fully achieved.

It is obvious that no amount of mudslinging and recycling of baseless and tired allegations by the Israeli regime and its friends against others, including those we heard this morning and just now, will in any way manage to distract the international community's attention from the Israeli barbarism in Palestine. In the face of the persistent Israeli routine of crime and aggression, which has plunged the whole region into a protracted and growing crisis, and in view of the fact that the ill-intentioned support of the United States has rendered the Council incapable of tackling this situation, there is a need for all of us to articulate ways and means to empower the General Assembly to deal with Israeli crimes in an effective and prompt manner, and in the interest of international peace and security.

Mr. Tarragô (Brazil): Brazil cannot but express great concern at the expanding spiral of violence in the occupied Palestinian territories. It has led inevitably to the loss of many lives, mostly as a result of Israel's

disproportionate military response in northern Gaza during recent weeks. We are deeply disturbed by the countless violations of international humanitarian law that victimize the civilian population in Palestine and cause extensive destruction of Palestinian property and infrastructure.

In that connection, we deplore the deaths of more than 20 Palestinians, including many children and women, in Beit Hanoun and call for a full investigation of the incident. We welcome the decision of the Human Rights Council to establish a high-level fact-finding mission to assess the situation from the perspective of that Council. We expect Israel to carry out its own domestic investigations and to determine responsibility regarding the conduct of all its military actions.

Brazil also deplores the growing deterioration in the living conditions of the Palestinian population. According to special rapporteurs, they endure one of the most serious humanitarian crises ever to befall the region, which is unacceptable by any standards. Brazil will support all activities by the international community to mitigate the suffering of the civilian population in Palestine and calls for the prompt resumption of humanitarian assistance in the occupied territories.

The stalemate in the peace process keeps the whole region under permanent instability. We voiced our deep concern in the Security Council on 9 November (see S/PV.5564). Brazil has expressed its condemnation of all acts of violence, and in particular all forms of terrorism, on both sides. The use of force should not be perceived as a substitute for a political settlement to a conflict that clearly has no military solution. Military actions in the region have served many purposes, save that of peace.

This situation of virtual diplomatic paralysis poses a renewed challenge for the United Nations, and in particular for the Security Council. Unless prompt and concrete measures are adopted, the Organization may be faced with a full-scale crisis beyond its control. Inaction in finding a permanent solution to this intractable problem accentuates the perception of ineptitude in the eyes of the international community. Only the resumption of negotiations that involve all interested parties can result in a just and comprehensive agreement capable of paving the way for lasting peace in the Middle East.

Particular attention must be paid to the sensitive issue of the large number of Palestinian prisoners detained in Israel. It is critical, as a confidence-building measure, that the Palestinian political leaders now detained in Israel be promptly released. Furthermore, we call for the return of the abducted Israeli soldier and the setting up of conditions for achieving a durable solution to the crisis, including a halt to the launching of Qassam rockets against the Israeli population. The creation of a free, democratic and economically viable Palestinian State, in line with the legitimate aspirations of its people and as established in Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), within internationally recognized borders, is a sine qua non condition for ensuring peace and stability in the Middle East.

Brazil stresses the need to put in motion a political process for the development of a strategy that, while addressing the underlying causes of the conflict, brings to fruition the vision of two democratic States, Israel and Palestine, living side by side in peace and security. Such a strategy should take into account the Quartet Road Map, the Madrid terms of reference, the principle of land for peace and the Arab Peace Initiative.

Brazil is convinced that the United Nations has the duty to offer a peaceful solution to a conflict that has such a powerful symbolic and emotional burden for so many peoples throughout the world and that has been dragging on for so long. That is why we will vote in favour of draft resolution A/ES-10/L.19, put forth by the Arab Group and other sponsors.

The international community should seize this opportunity to put the Middle East peace process back on track. In that regard, I wish to reiterate President Lula's proposal, made here at the beginning of the sixty-first session of the General Assembly (see A/61/PV.10), calling for a broad-based, United Nations-sponsored conference, with the participation of countries of the region and others that could contribute, through their capacities and successful experiences, to assisting Middle East countries and peoples to find ways to live peacefully despite their differences.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): The Chinese delegation would like to thank you, Madam President, for convening today's meetings at the request of the League of Arab States.

Recently, the violent Israeli-Palestinian conflict has continued to escalate, as evidenced by the Beit Hanoun tragedy, which shocked the world. At the same

time, the situation in the occupied Palestinian territory continues to deteriorate. We have been deeply distressed by those developments. China is very concerned at the deteriorating economic and humanitarian situation in the occupied Palestinian territory. China calls upon Israel to immediately end its military actions. We hope that both sides will work with the international mediating effort to avoid aggravating the situation further.

The question of Palestine is at the core of the Middle East issue. So long as a definitive solution to the question of Palestine remains out of reach, peace will never prevail in the Middle East. The parties concerned should look towards the longer-term future, in an effort to resolve the historical grievances between the Arab and Jewish peoples and to achieve the peaceful coexistence of all the countries of the region. Military strikes cannot guarantee Israel's safety and security; nor can violent attacks bring about peace for Palestine. History has proven time and again that settling disputes through political negotiations is the only proper approach to achieve lasting peace and stability in the Middle East.

The Israeli-Palestinian conflict poses a major challenge for both the Middle East region and the international community at large. It not only has an impact on the level of international security and the success of the war on terror; it also jeopardizes peaceful coexistence among different civilizations and, more important, the very credibility of the United Nations. This emergency special session of the General Assembly, which we have reconvened today, is most timely. It is our hope that the United Nations can fulfil its sacred obligation to maintain international peace and security by taking practical steps without delay to prevent further bloodshed and tragedy for the Palestinian and Israeli peoples and by sending a clear message to both parties to end the vicious cycle of violence for violence and to quickly return to the proper path of peace talks.

Ms. Nyamudeza (Zimbabwe): At the outset, my delegation would like to associate itself with the statement delivered by the representative of Cuba on behalf of the Non-Aligned Movement.

The resumption of the emergency special session of the General Assembly is an expression by the international community of its dismay at the outrageous and wanton violation of all acceptable norms and principles of international law by Israel in the occupied territories of Palestine.

The cowardly shelling of innocent civilians by the Israel Defense Force on the night of 8 November, which resulted in the loss of 19 innocent lives, mainly women and children, was as callous as it was unjustified. The attempt by Israel to explain it away as a mistake is not only insulting to the grieving people of Palestine but also abhorrent to my delegation and to all peace-loving people of the world.

My delegation is particularly saddened by the fact that, in the light of such flagrant disregard for respected norms and principles of international law by the occupying Power, Israel, one super-Power, which purports to champion democratic and just principles, opted to condone that barbaric act by casting its veto against a balanced Security Council draft resolution (S/2006/878) submitted by the delegation of Qatar. That further lends credence to our call for reform of the Security Council as it pertains to the abuse of the power of the veto. My delegation would have expected that that member of the Security Council with the power of the veto would have abided by the most elementary of moral truths, that of the principle of universality, which seeks to apply to ourselves the same standards to which we hold others, if not more stringent ones.

This is not the first time that that same member — which, ironically, is part of the Quartet — has shamelessly blocked the adoption of similar balanced and meaningful Security Council draft resolutions aimed at permanently resolving the problem of Palestine and improving the plight of the Palestinian people in the occupied territories; it has done this with frustrating regularity.

In the light of the deteriorating situation obtaining in the occupied Palestinian territories and the failure by the Security Council to adopt the fairly modest draft resolution put forth by Qatar, my delegation would like to conclude by pledging its strong support for the draft resolution before us in document A/ES-10/L.19, and urges all civilized nations present to do the same.

The President (*spoke in Arabic*): I now give the floor to the observer of the Holy See.

Archbishop Migliore (Holy See): As the General Assembly resumes its tenth emergency special session,

on the situation in the occupied Palestinian territories, my delegation takes this opportunity to express its closeness to the civilian populations suffering the consequences of recent violence. I would also like to convey the invitation of Pope Benedict XVI to join him in prayer that God will enlighten the Israeli and Palestinian authorities, as well as those nations that have a particular responsibility in the region, so that they may do all they can to put an end to the bloodshed, increase humanitarian aid initiatives and encourage the immediate resumption of direct, serious and concrete negotiations.

While regretting the new toll of deaths and condemning the spiral of violence caused by both military operations and terrorist attacks, we cannot but note that those horrendous occurrences form part of a much larger issue that, as we all know, has festered far too long in the region. Each time the Assembly holds an emergency meeting such as this, we recite the seemingly endless list of difficulties and differences separating Israelis and Palestinians, which make it all the more urgent for States to address the problem of the fundamental injustice at the heart of this question. To make a litany of symptoms without addressing the root causes is hardly helpful to either party. Each is forced to live under the horrible tensions of potential explosive acts of terror or military incursions, which result in death, casualties and the destruction of infrastructure.

The centrality of the Israeli-Palestinian conflict to the persistent instability in the Middle East cannot be ignored. It is a sad fact that the international community has failed to engage Israelis and Palestinians in significant and substantive dialogue or in the resolution of disputes, in order to bring stability and peace to both. It falls squarely upon the international community to use its good offices to facilitate, with all deliberate speed, a rapprochement between the two sides.

This is a time of both urgency and opportunity: urgency because the situation is not static — rather, it is deteriorating by the minute, as the reconvening of the emergency special session testifies — and opportunity because, in addition to some favourable elements at this political juncture, civilian populations everywhere have seen and suffered the devastation of the conflict and are surely more willing than ever to strive for an honourable peace.

The only peace with a chance of lasting in the region will be a truly comprehensive one. It will involve all major players in the Middle East region and it will have to be based upon bilateral peace treaties and multilateral agreements on all questions of common concern, including issues pertaining to water, the environment and trade. To do so requires a new and all-embracing vision that will usher in concrete plans for peace.

The President (*spoke in Arabic*): We have heard the last speaker in the debate on this agenda item. Before we continue, I should like to inform members that the Fifth Committee is still considering the programme budget implications of draft resolution A/ES-10/L.19. I shall therefore suspend the meeting to enable the Committee to continue its work.

The meeting was suspended at 5.15 p.m. and resumed at 7 p.m.

The President (*spoke in Arabic*): I call on the representative of Qatar to introduce a revised text of draft resolution A/ES-10/L.19.

Mr. Al-Nasser (Qatar) (*spoke in Arabic*): On behalf of the sponsors of draft resolution A/ES-10/L.19, which was introduced this morning, I have the honour to introduce to the General Assembly revised text of the draft resolution, preliminary copies of which are now being distributed in the Hall.

One word has been omitted from paragraph 7 of the revised text; that paragraph should read as follows.

(*spoke in English*)

> "Expresses grave concern about the dire humanitarian situation of the Palestinian people, and calls for the continued provision of emergency assistance to them".

The President (*spoke in Arabic*): Before we proceed with our work, I should like to draw the attention of members to the provisional report of the Fifth Committee on the programme budget implications of draft resolution A/ES-10/L.19, as orally revised. The provisional report, which for the time being has been issued in English only, is now being distributed in the General Assembly Hall. It will be issued as document A/61/582 at a later date.

Before we proceed to take a decision on the draft resolution, I should like to inform the Assembly that the following countries have become sponsors of draft

resolution A/ES-10/L.19, as orally revised: Azerbaijan, Bangladesh, Belarus, Botswana, Brazil, Brunei Darussalam, Cuba, Ghana, Indonesia, the Lao People's Democratic Republic, Malawi, Myanmar, Namibia, Pakistan, Senegal, South Africa, the Bolivarian Republic of Venezuela, Viet Nam and Zimbabwe.

The General Assembly will now take a decision on draft resolution A/ES-10/L.19, as orally revised, which is entitled "Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory".

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Canada, Côte d'Ivoire, Papua New Guinea, Tonga, Tuvalu, Vanuatu.

Draft resolution A/ES-10/L.19, as orally revised, was adopted by 156 votes to 7, with 6 abstentions (resolution ES-10/16).

The President (*spoke in Arabic*): Before giving the floor to representatives who wish to speak in explanation of vote on the resolution just adopted, I should like to remind delegations that statements in explanation of vote are limited to 10 minutes and should be made by delegations from their seats.

Ms. Lintonen (Finland): The members of the European Union voted in favour of draft resolution A/ES-10/L.19. We very much appreciate the constructive spirit of the negotiations that resulted in a text that enabled the European Union to support the draft resolution.

The European Union underlines that an immediate cessation of violence is needed to allow for an urgent return to a comprehensive peace process in the Middle East with a clear political perspective. We reiterate our intention to actively contribute to the work within the Quartet to get the peace process urgently back on track.

The European Union strongly deplores the Israeli military action in Gaza resulting in a growing number of civilian casualties, including women and children, and deplores the unacceptable military operation in Beit Hanoun on 8 November 2006. While recognizing Israel's legitimate right to self-defence, we urge Israel to exercise the utmost restraint and underline that actions should not be disproportionate or in contradiction to international humanitarian law.

The European Union also strongly deplores the firing of rockets into Israeli territory, and calls on the Palestinian leadership to put an end to such acts. Violence is not the solution. We call for an end to violence and for restraint from all sides.

We must bear firmly in our minds the overriding goal: an early resumption of dialogue between the two parties with a view to relaunching negotiations on the basis of the Road Map, relevant Security Council resolutions and the commitments made at Sharm el-Sheikh in 2005. The European Union reiterates its continued support for Israeli and Palestinian efforts to advance the peace process.

Mr. McNee (Canada): Canada is deeply concerned about the escalation of violence and the ongoing and tragic loss of life in the Middle East. The road to peace is not through violence. Ultimately, a negotiated settlement of this conflict is the only way forward.

We know that this resolution, unlike many that come before the Assembly, includes a more accurate picture of the events and of the responsibilities of both sides. We would hope to see this approach adopted in other draft resolutions. Having said that, it is Canada's position that there already exist a number of resolutions in the General Assembly alone that deal with the conflict in the Middle East. Canada is of the view that we should seek to reduce the overall number of resolutions on the Middle East, to deal with core issues and concerns. Furthermore, we are not convinced that the establishment of a fact-finding mission on the tragic events in Beit Hanoun on 8 November would be productive, and further note that Israel has undertaken to investigate those events.

The Canadian Government therefore decided to abstain in the voting on the resolution.

Mr. Gharibi (Islamic Republic of Iran): My delegation voted in favour of resolution ES-10/16. However, our vote for the resolution is intended to support the cause of the Palestinian people and does not indicate a change in my Government's position on the situation in the Middle East. Nor should it be interpreted as recognition of Israel.

The President (*spoke in Arabic*): I now give the floor to the observer of Palestine.

Mr. Mansour (Palestine): On behalf of the delegation of Palestine, the Palestinian people and our leadership, I would like to thank all those who voted in favour of draft resolution A/ES-10/L.19. Such overwhelming support, with almost everyone voting in favour, with the exception of a very few, should send a very significant message, especially to the Israeli delegation, which insulted all of us in its statement delivered earlier by disrespecting and disregarding the collective wish of the international community. We sincerely hope that they conclude from this additional lesson that they cannot act above international law. They must comply with the law. If they want to be respected members within the United Nations system like all the rest of us, they have to abide by the principles enshrined in the Charter of the United Nations and the provisions of international law, especially those of international humanitarian law.

Tonight the Assembly has sent our people a very powerful message: that the cause of justice is a very strong cause in the General Assembly Hall. I am confident and certain that this vote will give the Palestinian people some small hope in the right direction: that one of these days their national rights will be realized, occupation will end and they will become a free independent nation living side by side with Israel. We hope that day will come very soon. We are sure that, with the help of the General Assembly and the struggle and steadfastness of our people, that day will come very soon.

Mr. Carmon (Israel): Before I start, I just want to say that I had indicated that I wanted to raise a point of order, but the President did not notice. I wanted to make a brief comment, not out of disrespect or in an effort to insult, but on the basis of procedure. I think that we have dealt with procedure for most of today; we have been dealing with misusing procedure in order, I must repeat, to highjack the Assembly into adopting this resolution. I would just like to make a brief comment. We feel that there is no place for a non-voting observer mission to make remarks during the time allocated for explanations of vote, because they do not vote. They have sufficient time and place to make their remarks, but not during explanations of vote. That is the procedural remark I wanted to make.

Another remark I must make to the respected observer of the PLO to the United Nations is that Israel or our Mission, Government and people have never had any intention or wish to insult the people of Palestine or the Palestinian Authority. What we do not respect is terrorism; we do not respect those who fight us. We are

fighting back within our fundamental right to self-defence. We will continue to fight back against terrorism. The problem is not what we have seen here; the problem is not what is written in the resolution. The problem is the situation on the ground.

I must add that, because what we see taking place here does not really reflect what is happening on the ground, we hope and pray very soon to be able to report to the Assembly on what is happening on the ground between us and the Palestinians — not what is happening at the United Nations in New York, but in the real world. On the ground, we really hope that very soon we will be able to get together and to solve the problems between us and our neighbours without — sometimes — interference from the outside, which is not really helpful.

It is surely no surprise to anyone that today's resumption of the emergency special session has been conducted almost as business as usual — as it is usual here at the United Nations. It delivered what it promised: a parade of theatrics, dramatic speeches oblivious to reality and harsh exchanges of words and accusations, all resulting in the passage of another resolution condemning Israel for simply fighting for its survival.

Let there be no mistake: Israel has great respect for the Assembly and the noble principles for which it stands. It is precisely because of that respect that we cannot but be dismayed that harmful and politicized interests too often seek to gain control of this body's mandate and its activities.

We have much to say about the resolution that has been adopted. Of course, we are not going to enter into that. But I would like to make a brief comment with regard to something that bothers us a great deal, to say the least. For the sake of a supposedly moderate text, in this resolution the international community and the General Assembly have equated actions of terrorism, which are usually condemned by the international community, with the actions taken by Israel in self-defence to fight terrorism. That is something that the resolution deplored; but let me tell the Assembly that Israel deplores what is written in the resolution.

Sadly, the Assembly has missed yet another opportunity to make a relevant contribution to the cause of peace, by pandering to Member States that seek to demonize Israel by focusing on the response to terrorism but not on terror itself, and, as I said before, by equating terrorism with the legitimate right to fight terrorism. A resolution like this cannot but embolden the true enemies of peace and of the Israeli and Palestinian peoples alike.

In not addressing the responsibility of the Palestinian leadership to fulfil its responsibility to curb terror and violence against Israel, the Assembly has written the terrorists a blank cheque to carry on as they please.

The President (*spoke in Arabic*): Before giving the floor to the representative of the Syrian Arab Republic, who has asked for the floor in the exercise of the right of reply, I would like to remind members that statements in the exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second intervention and should be made by delegations from their seats. I now give the floor to the representative of the Syrian Arab Republic.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): With their positive votes, 156 delegations have spoken out today to defend Palestine, whose delegation Israel has tried to prevent from taking the floor in the General Assembly. We very much hope that the delegation of Israel will draw lessons from this and change its way of thinking with regard to positive cooperation with the international community. We also hope that Israel will understand the will of the international community, which is attempting to protect the Palestinian people from Israel's war machine and occupation forces.

We are meeting here today as representatives of the international community for perhaps the thousandth time since the establishment of the Organization and the beginning of the Arab-Israeli conflict to discuss the question of Palestine. We are here again to determine how we can strengthen the cause of peace, and to ask Israel, the occupying Power, to end its forces' crimes and collective punishment against the defenceless Palestinian people. We the peoples of the United Nations have resolved in the preamble of the Charter to save succeeding generations from the scourge of war. We have voted in favour of hundreds of resolutions calling on Israel to end its occupation of Arab and Palestinian territories. As the international community, we have heard with strong indignation and condemnation the Hollywood-style warning that the representative of Israel dared to make in the Assembly, threatening the Members of the United Nations and

accusing them of supporting terrorism and being complicit in it for having voted in favour of this resolution, thereby also accusing the majority of them of supporting terrorism and working with terrorists. By that convoluted logic and distortion of facts, States supporting a resolution condemning the terrorism of the State of Israel are thereby preventing the Palestinian people from establishing an independent State, with Jerusalem as its capital.

The unrealistic analyses we periodically hear from Israel's representatives transcend time and reality.

Israel makes desperate failed attempts to convince everyone that the suffering of the Palestinian people began just 15 months ago, following the holding of legitimate elections by the Palestinian people. It wants us to believe that the unilateral withdrawal of its forces from the Gaza Strip ended the occupation and that it has stopped building new settlements. Israel would also have us believe that the launching of a few rockets into Israeli villages is preventing children from sleeping, and that the capture of an Israeli soldier, who was shooting at Palestinian civilians, is a flagrant violation of international law.

Surely the reason for the current state of affairs is Israel's massacres, suppression and siege, its building of the separation wall, its construction and expansion of settlements, its Judaization of Palestine, its State terrorism, its targeting of children in playgrounds, its detention of cabinet ministers, its cruel policies against the Palestinian people, its launching of rockets and its daily bombardment of Palestinians. We need to understand that Israel's arrogance and distortion of facts merited the adoption of a resolution condemning Israel, which has accused the international community of sponsoring terrorism and which pretends that it is the only dove of peace in the world.

The victims of Israeli State terrorism are not just Palestinians, Lebanese, Syrians and other Arabs; there are also victims in other countries who have been assassinated by the Israeli "dove of peace" for denouncing injustice, occupation, collective punishment and massacres in the occupied Arab territories. The victims include, for example, members of United Nations peacekeeping forces; Count Bernadotte, the first United Nations mediator in the Middle East; and Europeans and Americans crushed by bulldozers for daring to protest the confiscation of Palestinian land. Lebanese and Syrian women and children have also been Israel's victims in their homes and villages, as well as Palestinians blown apart by Israeli mines.

Peace is not a market open to speculators gambling on the stability of the Middle East. Peace is above all a matter of international political will. When the desire for peace is present in the Israeli Government, in its political parties and in its policies, there will be no need for us to meet here. More than anything else, peace is a question of policy and real political will.

The holding of three special sessions of the Human Rights Council in less than a year was surely a clear indication that the policy of Israeli occupation and aggression has weighed heavily on the international conscience. Preventing the Security Council from meeting its responsibility to maintain international peace and security and from protecting Palestinian civilians has fuelled Israel's murderous policy in the occupied Palestinian territories. It is for that reason that the international effort towards peace has waned. The Madrid terms of reference have not been respected; nor have the various international resolutions adopted in recent years, or the 2002 Arab Peace Initiative.

Peace is an international political responsibility. It is a need of people aspiring to a better future. Peace cannot be established while Israel continues to hide behind a country claiming to be a super-Power. Occupying forces must withdraw. There must be recognition of the fact that life is a precious gift given equally to everyone. No one is better than anyone else. All people are equal in life and in death.

The President (*spoke in Arabic*): We have heard the only speaker in the exercise of the right of reply.

In accordance with the provisions of the final paragraph of resolution ES-10/16, which we have just adopted, I shall now adjourn the tenth emergency special session temporarily.

The meeting rose at 7.35 p.m.

United Nations A/ES-10/PV.30

General Assembly
Tenth Emergency Special Session

Official Records

30th meeting
Friday, 15 December 2006, 10 a.m.
New York

President: Ms. Haya Rashed Al Khalifa ..... (Bahrain)

The meeting was called to order at 10.50 a.m.

Resumption of the tenth emergency special session

The President (*spoke in Arabic*): I declare resumed the tenth emergency special session of the General Assembly, on illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory.

Members will recall that, in paragraph 13 of resolution ES-10/16, of 17 November 2006, the General Assembly decided to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meeting upon request from Member States.

In that connection, I should like to draw the attention of delegations to the following: document A/ES-10/370, which contains a letter dated 20 November 2006 from the Permanent Representative of Qatar to the United Nations, in which he requests, on behalf of the States members of the League of Arab States, the resumption of the tenth emergency special session, to consider especially the report of the Secretary-General (A/ES-10/361) concerning the register of damage caused by Israel's construction of the wall in the occupied Palestinian territory, including East Jerusalem; document A/ES-10/371, which contains a letter dated 28 November 2006 from the Chargé d'affaires ad interim of the Permanent Mission of Cuba to the United Nations, in her capacity as the Chair of the Coordinating Bureau of the Non-Aligned Movement, by which she conveys the support of the Non-Aligned Movement for the request for the resumption of the tenth emergency special session; and document A/ES-10/372, which contains a letter dated 30 November 2006 from the Permanent Representative of Azerbaijan to the United Nations, in which he supports, on behalf of the States members of the Organization of the Islamic Conference, the request for the resumption of tenth emergency special session.

Agenda item 5 (*continued*)

Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Report of the Secretary-General (A/ES-10/361)

Draft resolution (A/ES-10/L.20)

Report of the Fifth Committee (A/61/625)

The President: (*spoke in Arabic*): I should like to draw the attention of members to a revised draft resolution, document A/ES-10/L.20/Rev.1, copies of which are now being distributed in the Hall in English only for the time being.

We meet today to consider the report of the Secretary-General contained in document A/ES-10/361, on the implementation of General Assembly resolution ES-10/15 and the establishment of a register of the material and non-material damage caused by the separation wall inside the occupied Palestinian territories, including East Jerusalem and its suburbs.

The Arab-Israeli conflict and successive developments taking place in the Middle East represent

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a growing danger that threatens international peace and security. This conflict places before the world historical responsibilities that will determine the future of peace not only in the region, but also in the entire world.

Under these circumstances, we must not turn a blind eye to the deteriorating economic and humanitarian conditions that plague the Palestinian people in the occupied territories, for they require us to take a cooperative stance and provide assistance. Such assistance is vital in order to meet the ever-increasing difficulties of day-to-day life.

It is imperative to accelerate steps towards arriving at solutions based on objective and practical ideas, such as those proposed by the Quartet, calling for the establishment of two States living side by side in security and peace.

The first step in the quest for a solution involves building confidence and ridding oneself of fear, for it is fear that drives both sides to acts of violence and counter-violence. It is essential, therefore, for the international community to support and redouble its efforts to help both sides overcome their fear and misgivings. Just as the General Assembly objected to the building of the separation wall, as recommended by the International Court of Justice in its advisory opinion to the Assembly, it behooves us to be alert to any act that might exacerbate the deteriorating situation, regardless of its origins.

Finally, if dialogue between concerned parties is our main objective and the best approach to peaceful solutions, then barriers clearly do not facilitate dialogue, help to dispel fears or remove material and psychological obstacles. It is for that reason that we must all strive to achieve a just, lasting and comprehensive political settlement to the conflict, based on resolutions of international legitimacy, for that will bring well-being to the Israeli and Palestinian peoples and pave the way to a better future for the Middle East and future generations.

I now give the floor to the observer of Palestine.

Mr. Mansour (Palestine): At the outset, I would like to express our profound gratitude and deep appreciation to the States members of the League of Arab States, the Organization of the Islamic Conference and the Non-Aligned Movement for their valuable support in calling for the reconvening of the tenth emergency special session and for sponsoring the draft resolution, as amended. I would like also to express our thanks and deep appreciation to you, Madam, for reconvening this session.

More than two years ago, in July 2004, the General Assembly met in the resumed tenth emergency special session following the rendering by the International Court of Justice of its advisory opinion on the legal consequences of the construction of a wall in the occupied Palestinian territory. That advisory opinion constituted a comprehensive determination of the applicable rules and principles of international law, including international humanitarian law and human rights law, and of the legal obligations arising from the breach of that law by Israel, the occupying Power, as a result of its construction of a wall in the occupied Palestinian territory, including in and around East Jerusalem. After considering the advisory opinion, and in a serious effort to uphold international law, the Assembly adopted resolution ES-10/15 on 20 July 2004 by an overwhelming majority, in which it, inter alia, demanded that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion.

Deplorably, however, Israel, the occupying Power, continues to act with the utmost impunity and in blatant disrespect of the advisory opinion and United Nations resolutions. Israel has not ceased its unlawful construction of the wall in the occupied Palestinian territory, including East Jerusalem. Instead, the occupying Power continues to press on with its unlawful colonization of the Palestinian territory through its construction of the wall and its associated regime, as well as through its settlement campaign, committing countless violations and grave breaches of international law every single day against the Palestinian people as it feverishly attempts to de facto annex even more of the Palestinian land it has brutally occupied and colonized since 1967.

As it continues to construct that monstrous wall, Israel, the occupying Power, continues, inter alia, to confiscate more land and to destroy homes, properties and agricultural fields and crops in the occupied Palestinian territory. Thousands of Palestinians have been displaced from their homes, altering the demography of the territory. The wall and its associated regime, including the apartheid permit system, continue to obstruct the freedom of movement of the Palestinian people and their access and to violate their rights to

work, to health care, to education, to worship and to an adequate standard of living. The Palestinian economy is in tatters, development is nearly impossible and hundreds of thousands of livelihoods have been destroyed as a result of the wall, worsening socio-economic conditions and deepening the humanitarian crisis being faced by the Palestinian people.

The contiguity and integrity of the Palestinian territory is being destroyed, since the construction of the wall and the intricate network of checkpoints, as well as colonial settlements correlated to it, have sliced and carved the territory into several enclaves, some completely walled in, resembling Bantustans. Occupied East Jerusalem has been almost totally isolated from the rest of the occupied Palestinian territory. The beauty of the natural landscape, the environment and natural resources are being ravaged. The very fabric of Palestinian society is being ripped apart by Israel's unlawful construction of the wall, with communities separated and isolated from each other, and some destroyed in their entirety. In sum, vast devastation has been caused and continues to be caused by the construction of the wall and its associated regime in the occupied Palestinian territory, including East Jerusalem, and the situation continues to deteriorate ever more with the passage of time.

Most regrettably, since the rendering of the advisory opinion of the International Court of Justice and the adoption of resolution ES-10/15 by the General Assembly more than two years ago, no concerted action has been taken to compel Israel, the occupying Power, to cease its construction of the wall, to dismantle it and to comply with its legal obligations in that regard. No measures have been taken by Member States to uphold their obligations under international law, as articulated in the advisory opinion, in compliance with resolution ES-10/15, or in compliance with their obligations under common article 1 of the Geneva Conventions to bring an end to the grave breaches that are being committed by Israel, the occupying Power, against the Palestinian people in the occupied Palestinian territory, including East Jerusalem, by its construction of the wall.

As a result of the situation, the damages and hardships being suffered by the Palestinian people as a result of the construction of the wall and its associated regime continue to mount. We thus appeal today to the international community to take the necessary actions to address the situation and to bring an end to that ongoing injustice against the Palestinian people. The Security Council, which up until today has not even attempted to address the crisis of the wall, cannot continue to evade its responsibilities. The Council must take action to bring an end to the crime that is being committed against the Palestinian people — a crime that is making the two-State solution to the Israeli-Palestinian conflict and the vision of a just and dignified peace nearly impossible to achieve.

Indeed, the passage of time is only further compounding and complicating the illegal and grave situation that is being created by the wall in the occupied Palestinian territory, including in particular in and around occupied East Jerusalem. Each day that passes without action exacerbates the situation. Yet the passage of time and the continued creation of such unlawful facts on the ground in no way diminish Israel's responsibility for the illegal actions it is committing and in no way diminish the applicability of international law. The Hague Convention, the Fourth Geneva Convention, the international human rights covenants, the United Nations Charter and the rules and principles enshrined therein, United Nations resolutions and the advisory opinion all remain relevant and are all applicable to the situation in the occupied Palestinian territory.

Moreover, the passage of time does not absolve Member States of their responsibilities to uphold international law and to ensure its respect under all circumstances. It is high time, then, that the international community came together to make the bold decisions needed for bold action to uphold their legal obligations to rectify the unlawful and unjust situation. Israel, the occupying Power, must comply or be compelled to comply with its legal obligations under international law, as determined by the International Court of Justice in its advisory opinion and as demanded by this very Assembly in resolution ES-10/15 and numerous other resolutions adopted thereafter.

Accordingly, Israel must cease all of its violations and grave breaches of international law, and it must thus, inter alia, cease immediately its construction of the wall in the occupied Palestinian territory, including in and around East Jerusalem, dismantle the structure already built therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for the damage caused by the construction of the wall.

Bearing all of that in mind, we meet today in this resumed tenth emergency special session to address one aspect of the situation arising from Israel's unlawful construction of the wall, namely, the matter of reparations to be made by Israel, the occupying Power, in conformity with international law, for all of the damages it is causing by its construction of the wall in the occupied Palestinian territory, including East Jerusalem. In that regard, we recall specifically the request made by this Assembly in resolution ES-10/15 for the Secretary-General to establish a register of damage caused to all natural or legal persons concerned in connection with paragraphs 152 and 153 of the advisory opinion.

Pursuant to that request, on 17 October 2006 the Secretary-General submitted a report to the Assembly for its consideration. We express our appreciation to the Secretary-General for the report, which formed the basis of current discussions and the basis of the draft resolution before the Assembly for action on the long-awaited establishment of the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory. As stated earlier, the damage that is being caused by Israel, the occupying Power, by its construction of the wall in the occupied Palestinian territory, including East Jerusalem, is severe, vast and continuous, and the establishment of the Register of Damage is therefore vital to the fulfilment of the legal obligation to make reparations, including restitution and compensation, for all of the damage that is being caused by the construction of the wall and its associated regime.

In that connection, we must recall the relevant determinations made by the International Court of Justice in its advisory opinion, in particular in paragraphs 152, 153 and 163 (c). The Court's words are precise, clear and indisputable. In paragraph 163 (c) of the *dispositif*, the Court firmly concluded that "Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem" (*A/ES-10/273, p. 53*).

The Court based that determination on the fact that the construction of the wall had unquestionably entailed, inter alia, the requisition and destruction of homes, businesses and agricultural holdings, as well as various other kinds of damage and loss for the Palestinian people. Therefore, in accordance with the rules and principles of international law, Israel is obligated to make reparation for the damage caused and, as explained in paragraph 152 and established in customary law, it must be emphasized that

> "reparation must, as far as possible, wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed. Restitution in kind, or, if this is not possible, payment of a sum corresponding to the value which a restitution in kind would bear" (*ibid., p. 50*).

Thus the Court determined that

> "Israel is accordingly under an obligation to return the land, orchards, olive groves and other immovable property seized from any natural or legal person for purposes of construction of the wall in the Occupied Palestinian Territory. In the event that such restitution should prove to be materially impossible, Israel has an obligation to compensate the persons in question for the damage suffered. The Court considers that Israel also has an obligation to compensate, in accordance with the applicable rules of international law, all natural or legal persons having suffered any form of material damage as a result of the wall's construction." (*ibid.*)

The ultimate purpose of the Register of Damage is therefore the comprehensive documentation — in the form of registration; verification, including establishing the credibility of the causal link of those claims with the construction of the wall; and assessment of all of the damage that has been, and continues to be, caused by the construction of the wall — for utilization when the time comes for Israel, the occupying Power, to carry out the process of the reparations that it must make in compliance with its legal obligations. Accurate and thorough documentation of the damage caused is a central prerequisite for the genuine granting of reparations, including both restitution and compensation, to the Palestinian people, who have suffered so much and whose rights have been so gravely violated by Israel's construction of the wall in the occupied Palestinian territory, including East Jerusalem.

The draft resolution before the Assembly mandates the establishment of the United Nations Register of Damage and defines the institutional framework required for its establishment and

maintenance, and the responsibilities to be undertaken by the Secretariat, namely the office of the Register of Damage, in this regard. The office of the Register of Damage shall be a subsidiary organ of the General Assembly, functioning under the authority of the Secretary-General, and will be composed of a three-member Board, an Executive Director and a secretariat staff, which will be based on the site of the United Nations Office at Vienna. The draft resolution before the Assembly details the important functions to be assumed by the secretariat, to which I wish briefly to refer here.

In terms of the Board of the office of the Register of Damage, we look forward to an announcement by the Secretary-General regarding the names of the candidates to be appointed to the three-member independent Board in the very near future, following the adoption of this draft resolution. The candidates must be independent, objective, knowledgeable, experienced and of the highest integrity, for the Board is to assume overall responsibility for the establishment and maintenance of the Register of Damage and will also be functioning in a judicial capacity, as it is the Board that will have the ultimate authority to determine the inclusion of damage claims in the Register.

Moreover, the Board will have the important task of determining the eligibility criteria for damage claims as well as damage criteria and the procedure for the registration of claims, which should include, inter alia, documentation of the damage or loss caused, and verification and assessment of value. We stress that it is imperative that, in developing such criteria, the Board be guided by the relevant findings of the advisory opinion, the general principles of international law, and the principles of due process of law. Additionally, the Board should, as necessary, engage the expertise of specialists, including, for example, in land law, agriculture, topography, verification, assessment and compensation, in order to ensure the effectiveness of the overall registration process and of the Register itself.

Here, I wish to refer to the importance that Palestine attaches to the matter of the verification and assessment of damage as an integral part of the registration process. We believe that the verification and assessment of damage are indispensable steps in the process and that it is preferable — indeed, essential — that they be undertaken as soon as possible, given that the end purpose of such a Register of Damage is for reparations to be made, including restitution and compensation, which clearly requires verification and assessment. Therefore, logically and for the sake of efficiency of labour and resources, the verification and assessment of damage caused by the construction of the wall in the occupied Palestinian territories, including East Jerusalem, should be carried out in tandem with the collection of damage claims and not be postponed to a later date, which could complicate both procedures.

That brings me to the role of the secretariat of the office of the Register of Damage. As detailed in the draft resolution, the secretariat, which will be led by an Executive Director — who, we hope, will be speedily appointed — will provide substantive, administrative and technical support for the establishment and maintenance of the Register. This will include such functions as administering a public-awareness programme to inform the Palestinian public about the Register of Damage — about its purpose, the requirements for filing a damage claim and the procedures for filling out and submitting claim forms — as well as receiving and processing all of the damage claims for submission through the Executive Director to the Board for inclusion in the Register, and aggregating and maintaining the records registered in the Register of Damage in both hard-copy and electronic forms.

In that regard, we stress our belief that the process of registration for which the secretariat will be responsible — beginning with the awareness programme and outreach and throughout the process of receiving, verifying and assessing claims — requires a field presence in the occupied Palestinian territory, including East Jerusalem, in order effectively to be carried out.

In that connection, the cooperation of the United Nations agencies and offices functioning in the occupied Palestinian territory, including East Jerusalem, is vital. Those agencies and offices, including, for example, the Office for the Coordination of Humanitarian Affairs (OCHA), the Office of the United Nations Special Coordinator (UNSCO), the United Nations Development Programme (UNDP) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), have extensive experience on the ground and detailed knowledge about the wall, its route and its impact on

the Palestinian people in various fields, including with regard to the issue of damages and financial and other losses inflicted by it. They should therefore lend their support and expertise to the office of the Register of Damage as needed. Such cooperation would not only facilitate the work of the office of the Register of Damage, but it would also clearly be cost-effective for the United Nations to utilize its resources already present on the ground.

At the same time, we express our strong hope that Israel, the occupying Power, will, as called for in the draft resolution, cooperate with the office of the Register of Damage. Israel should respect the Charter and the Convention on the Privileges and Immunities of the United Nations, and it should not in any way impede or obstruct the work of the office of the Register of Damage or the movement and access of its staff. For our part, the Palestinian Authority stands ready to cooperate with the office of the Register of Damage to the fullest extent and will encourage the relevant Palestinian institutions to do so as well.

The Register of Damage should remain open for registration for the duration of the existence of the wall in the occupied Palestinian territory, including in and around East Jerusalem. Similarly, the office of the Register of Damage should remain active for the duration of the registration process and should carry out the functions and directives ascribed to it in the draft resolution and any such additional functions as may be deemed necessary and appropriate by the board or by the General Assembly. Indeed, as long as the wall exists, it is unquestionable that the Palestinian people will continue to suffer from the damages and losses it is inflicting upon them. The Register must thus remain in existence until the construction of the wall has totally ceased, the wall has been dismantled and reparations have been properly made by Israel, the occupying Power, in conformity with the rules and principles of international law and due process of law, for all of the damage and loss caused by the construction of the wall in the occupied Palestinian territory, including East Jerusalem.

Before concluding, I wish to emphasize the fact that the making of reparations — in the form of restitution and compensation — does not absolve Israel, the occupying Power, of its legal obligations to cease its construction of the wall and the associated regime, to dismantle the wall and to repeal or render ineffective all legislative and regulatory acts related thereto. Israel must terminate its breaches of international law, including international humanitarian law — particularly the Fourth Geneva Convention — and human rights law. Israel cannot continue to act with impunity, showing total and flagrant disrespect for international law, United Nations resolutions and the advisory opinion of the International Court of Justice. The international community must hold Israel accountable for its illegal actions in the occupied Palestinian territory, including East Jerusalem, and compel it to bring all such actions to an immediate end.

It is our deepest hope that the draft resolution before the General Assembly today will be adopted by an overwhelming majority. It deserves the strong support of Member States so that the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory can be established. It is an extremely important undertaking, necessary for the fulfilment of the legal obligation that reparations be made to the Palestinian people, who are suffering greatly as a result of the construction of the wall and are pleading with the international community for help to put an end to this grave injustice. Moreover, the establishment of the Register of Damage is in line with the permanent responsibility of the United Nations towards the question of Palestine until it is resolved in all its aspects in accordance with international law. The crisis of the wall in the occupied Palestinian territory, including East Jerusalem, has undoubtedly become one of the core issues of the question of Palestine that must be justly resolved in order for our long-held aspirations for a just and lasting peace to become a reality.

Mrs. Núñez Mordoche (Cuba) (*spoke in Spanish*): I have the honour to address the General Assembly on behalf of the Non-Aligned Movement.

The Movement welcomes the convening of this resumed tenth emergency special session to give effect to the request made by the Assembly in 2004 to establish a Register of Damage done by Israel as a consequence of its construction of the separation wall.

The Non-Aligned Movement has clearly stated on several occasions its position of principle on the illegal nature of the construction of the wall. The wall is illegal and must be dismantled without further delay. Israel cannot be allowed to continue with its construction.

Despite the opposition of the international community, Israel is continuing to build the wall in the occupied Palestinian territory, including in and around East Jerusalem. Those actions are in flagrant defiance of the advisory opinion of the International Court of Justice and they also violate resolution ES-10/15 of 20 July 2004, both of which reaffirm the illegality of the construction of the separation wall in the West Bank and East Jerusalem.

Forty-two per cent of the wall has been completed, extending 336 kilometres, and 102 kilometres are currently under construction. More than 2 million Palestinians living east of the wall will remain isolated from East Jerusalem, and the more than 230,000 who live in East Jerusalem will remain isolated from the rest of the West Bank. Israel's construction of the wall is causing serious damage and losses, adding to the suffering of the Palestinian people, who have already suffered so much.

Once again, the Non-Aligned Movement demands that Israel scrupulously respect its legal obligations pursuant to the advisory opinion and that it fully implement resolution ES-10/15. We reiterate our call to Member States and the United Nations to fulfil their obligations in that regard.

The Non-Aligned Movement would like to recall, in particular, the advisory opinion of the International Court of Justice that Israel has an obligation to terminate its breaches of international law, to cease the construction of the wall, to dismantle the structure already built, to repeal or render ineffective all legislative and regulatory acts relating to the wall and to make reparation for all damage caused by its construction.

Until Israel fulfils its legal obligations, the Non-Aligned Movement urges Member States to take steps through, inter alia, legislation at the collective, regional and national level to prevent any products of the illegal Israeli settlements from entering their markets, consistent with their obligations under international treaties, as well as to deny entry to Israeli settlers and to impose sanctions against companies and entities involved in building the wall and in carrying out other illegal activities in the occupied Palestinian territory, including East Jerusalem.

The Non-Aligned Movement reiterates that all States have an obligation not to recognize the illegal situation resulting from the construction of the wall and not to provide aid or assistance that would maintain the situation created by the construction. Furthermore, all States parties to the Fourth Geneva Convention have an additional obligation to ensure that Israel complies with the Convention.

For its part, the United Nations, particularly the General Assembly and the Security Council, must consider what other measures are needed to put an end to the illegal situation resulting from the construction of the wall and the associated regime, taking due account of the advisory opinion. The Non-Aligned Movement believes that if the construction of the wall is not halted and reversed, it will not be possible to achieve a two-State solution to the conflict.

Mr. Wenaweser (Liechtenstein), Vice-President, took the Chair.

As rightly expressed in the draft resolution before us today, the Register of Damage will help to make restitution and compensation to the Palestinian people for the losses and damages caused by the construction of the wall, in accordance with the rules and principles of international law. The Register of Damage must remain open for the registration of claims arising from the wall for the duration of its existence in the occupied Palestinian territory, including in and around East Jerusalem. The Register must function effectively and must use efficiently the resources allocated to it by Member States. All verifiable and quantifiable claims must be duly registered, and the losses and damages caused by the wall must be assessed with all due rigour.

We hope that the office of the Register of Damage, as a subsidiary organ of the General Assembly, will productively carry out its work and will make an effective contribution to ensuring compliance with the provisions of the advisory opinion of the International Court of Justice.

I should like to conclude by calling on all Member States, on behalf of the Non-Aligned Movement, to lend their valuable support to the draft resolution contained in document A/ES-10/L.20/Rev.1.

Prince Zeid Ra'ad Zeid Al-Hussein (Jordan): On 20 July 2004, the General Assembly, in its resolution ES-10/15, requested the Secretary-General to "establish a register of damage caused to all natural or legal persons concerned in connection with paragraphs 152 and 153 of the advisory opinion [then

just issued by the International Court of Justice]". The Secretary-General, in his report contained in document A/ES-10/361, and pursuant to that resolution, provides us with the institutional framework recommended for the Register of Damage and suggests that a further resolution be adopted in that connection.

My delegation warmly welcomes the Secretary-General's report and generally finds favour with the thrust of the points presented in it. We believe that a Register of Damage must immediately be established in keeping with the Court's findings, as articulated in paragraphs 152 and 153 of the advisory opinion. And we also feel that it is important that our position be well understood.

As we made abundantly clear in the oral pleadings before the Court on 24 February 2004, we believe that, with the obvious exception of the Palestinians themselves — whose livelihoods and lives and the future of an independent, viable Palestinian State are all being compromised by the sweeping penetrations that the wall makes into Palestinian territory — it is we, the Jordanians, who could be the next-most-affected party owing to Israel's decision to place the wall where it has and where it intends to place it in the near future. I will not revisit those points today to explain why that is, except to say that the geographic proximity and the potential for movement of the peoples displaced by the wall and its regulatory controls pose a direct threat to us.

Having said that we view the Secretary-General's report favourably, I wish to make the following, more specific remarks. In paragraph 4 of the Secretary-General's report, it is argued that the registration of damage would be

> "a technical, fact-finding process of listing or recording the fact and type of the damage caused as a result of the construction of the wall. ... The act of registration of damage, as such, would not entail an evaluation or an assessment of the loss or damage claimed".

Certainly, that would be our hope. However, later, in paragraph 7, we note that the Secretary-General admits that the Board of the Register would determine, inter alia, "eligibility criteria", establish the "procedure of registration", including defining the objective criteria to be used — one assumes that those are the eligibility criteria just mentioned — and have ultimate authority "in determining the inclusion of damage claims in the Register". Moreover, in the next paragraph, the Secretary-General stresses that Board members must be chosen for "their integrity, experience and expertise in such areas as law, accounting, loss adjustment, assessment of environmental damage and engineering".

It is clear that, while the act of registration of damage does not entail an evaluation or an assessment of the loss or damage claimed, as stated in the Secretary-General's report, the Board will nevertheless have to undertake evaluations on issues such as eligibility or title, for which specific qualifications are presented as necessary for its members. Their decisions could therefore be of some significance at a later date. And, in view of the Secretary-General's recommendation that the office of the Register be a subsidiary organ of the General Assembly, we believe that the Assembly should be required to endorse such appointments.

Secondly, we believe it absolutely essential that the Board consider prima facie evidence of title to property as sufficient for the purpose of then establishing the validity of the damage claim. The general guidance offered in paragraph 14 is excellent, while also requiring, in our view, the specificity that we propose.

Thirdly, we agree wholeheartedly with the Secretary-General's suggestion on verification and believe that that must, of course, take place subsequent to the submission of claims.

We would therefore support the inclusion of the points that I just mentioned in any draft resolution, not only because we respect the decisions and opinions of the principal judicial organ of the United Nations, but also because our region needs to see justice where Palestine is concerned.

The Court's opinion was and still is, quite simply, law. The Court's opinion laid bare that Israel's construction of the wall in the occupied Palestinian territories, including East Jerusalem, is in violation of Israel's international obligations, including its legal obligations *erga omnes*. The Court did not accept Israel's claims that legal justifications exist for its actions, notwithstanding the creative legal terms used to describe those territories.

That is significant to us, because Israel has long had the habit of denigrating the Green Line and questioning what once lay beyond it — to such an extreme that no one in Israel now seems to know where the country's eastern boundary lies, or if it actually has

one. Only days ago, Israel's Minister of Education ignited an uproar inside Israel by instructing that all the maps in new editions of Israeli textbooks show the Green Line — obvious to us here today, but bewildering and threatening to many Israelis.

However, earlier, in her statement before the General Assembly on 20 September 2006, Israel's Foreign Minister, Tzipi Livni, expressed Israel's more familiar exception to the Green Line by stating, in relation to the question of a common boundary, "There are those who believe that if only we could turn back the hands of time to 1967 all would be resolved. But, in 1967 there was no Palestinian State" (*A/61/PV.13, p. 45*). That last point may be true, but whether there was or was not a Palestinian State in 1967 does not change the basic fact that Israel subsequently occupied territory that did not belong to it and had not belonged to it.

The significance of the Green Line cannot therefore be underappreciated. Sir Arthur Watts, Q.C., Counsel for Jordan, in his pleading before the Court on 24 February 2004, explained this most clearly:

> "It [the Green Line] is, in origin, the Armistice Demarcation Line, laid down in article V of the Jordan-Israel General Armistice of 3 April 1949. But it was given additional significance by Security Council Resolution 242 (1967), which affirmed, unanimously, the principle of Israel's withdrawal of its armed forces 'from territories occupied in the recent conflict' — and that meant, and could only mean, territories on the non-Israeli side of the Green Line. Thus the Green Line is the starting line from which is measured the extent of Israel's occupation of non-Israeli territory; originating in 1949 as an armistice line, it became in 1967 the line to the Israeli side of which Israel had to withdraw its forces, and on the non-Israeli side of which territory was 'occupied' by Israel." *(International Court of Justice document CR 2004/3)*

Israel's virtual dismissal of the Green Line over the years is what has led many of us to interpret the route chosen for the separation wall as an attempt by Israel to carve out for itself, unilaterally, its eastern boundary. As the Court found in its advisory opinion, the law requires that Israel abide by its international legal obligations, put an end to its violations related to the construction of the separation wall on occupied Palestinian territory, and immediately restore the status quo ante by removing the portions of the wall already constructed on that territory and repealing the relevant legislation and administrative procedures. Israel must also restore to the Palestinian people all their legitimate rights; it must return all confiscated property to its rightful owners; and it must compensate all those who have been harmed for the losses incurred as a result of its illegal actions. Moreover, the law stipulates that the international community must not support Israel in the violation of its obligations *erga omnes* under international law, such as respect for the right of self-determination and for international humanitarian law.

As this is probably the last time I will be addressing the General Assembly as Permanent Representative, I wish to complete this statement by placing my own personal signature on it — for which I bear sole responsibility — and for which I beg the Assembly's indulgence.

Is it not wrong that Israel continues to enforce its occupation of Arab and particularly Palestinian territories, stretching now to four decades, consigning our Arab neighbours to an oppressive and desperate existence? Is it not wrong for a people who themselves have suffered so greatly for centuries to maintain an occupation whose effect is to degrade another people, a proud people — in many respects, the very best the Arab world has to offer. Is it not wrong for Israel to visit violence on civilian Arab populations in the way that it has, and is it not wrong for Arab groups to be doing likewise to civilians in Israel?

Is it not also wrong for many of us in the Arab world and beyond to continue to deny or downplay the Holocaust, an event that caused immense pain and suffering to the Jewish people, the Roma and others? Can we not see this, too? Can we not also see we are not perfect in our virtues either?

The President returned to the Chair.

Can we not see in all of this, in all of these crises swamping our region, parallels to the game of chess, where play now slips into patterns so sickening in their predictability; where the middle game will be reached soon enough; and where all the crises of our region and just beyond it eventually fold into one another, creating the greatest political emergency of our time, and pitching our region towards the cusp of a war unlike any we have witnessed since 1945. Can we not see this?

I pray we will be able to depart from patterns of old, as peace will come only when we see justice done, when we see justice eclipse political expediency for all the peoples of our region. It is justice, the law and a sense of morality which will provide for something better. To borrow from Daniel O'Connell's dictum, "Nothing [can be] politically right which is morally wrong".

The President *(spoke in Arabic)*: I give the floor to the representative of Iraq to introduce draft resolution A/ES-10/L.20/Rev.1.

Mr. Al Bayati (Iraq) *(spoke in Arabic)*: It is my pleasure, on behalf of the Arab Group, to introduce draft resolution A/ES-10/L.20 concerning the establishment of the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory and in East Jerusalem and surrounding areas. The draft resolution is also sponsored by the Non-Aligned Movement.

In its preamble, the draft resolution recalls the conclusion reached in the advisory opinion of the International Court of Justice that Israel is under an obligation to provide reparations for all damage caused by the construction of the wall and that there is a need to document all the damage resulting from its construction.

The draft resolution reaffirms General Assembly resolution ES-10/15 concerning the wall and the ongoing responsibility of the United Nations towards the question of Palestine until it is resolved in all its aspects.

In the operative paragraphs of the draft resolution, the General Assembly establishes the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory to serve as a comprehensive record of the damage caused to all natural and legal persons concerned as a result of the construction of the wall by Israel.

Operative paragraphs 3 through 12 deal with the manner in which the Register will be established, its competence and its methods of operation.

In the draft resolution, the General Assembly calls on the Secretary-General to instruct the United Nations agencies and offices working in the occupied Palestinian territories to lend their support and experience to the office of the Register of Damage, upon its request, so as to facilitate its work.

The General Assembly also requests the Secretary-General to provide the necessary staff and facilities and to make appropriate arrangements to provide the funds required for the implementation of the draft resolution.

It is our hope that the draft resolution will garner the Assembly's support and approval.

Mr. Gillerman (Israel): Madam President, before I make my statement, allow me a personal word.

We have just heard what is probably the last statement to be made by Prince Zeid in his capacity as Permanent Representative of Jordan. It is not often that an Israeli representative has the opportunity and feels the need to pay tribute to a representative of an Arab nation. I wish we had more chances to do that. But I feel that in his remarks, and especially his final personal words, Prince Zeid has demonstrated yet again how important it is for the Arab world to have a representative and a nation that can voice the voice of reason.

Prince Zeid and I have not always agreed with each other; he has been very critical and has represented his country with great vigour and certainty. But, as he has done today, he has throughout his term here truly represented the best the Arab world, and indeed the world, has to offer: a mixture of statesmanship, honour, integrity, justice and fairness.

I believe that all of us in this Hall, and all of us in the world, owe him a great debt of gratitude for his service to this Organization in so many capacities and over so many years. I feel that I need to say this because it is a ray of light and a great sign of hope that, unfortunately, we do not see enough of — and which I wish will mark the beginning of many more.

I would like to begin by clarifying the agenda of the Assembly today. We are not here today to discuss a "Register of Damage", as the Secretary-General's report (A/ES-10/361) refers to this mechanism, because it is not a register of damage. There is already a register of damage on the ground in Israel, fully operational and able to provide compensation to Palestinians adversely impacted by the security fence.

This, rather, is a register that does damage, a damaging register. It is a register that does damage to the credibility of this Assembly by exploiting the automatic majority vote. It is a register that does damage to the legitimacy of this Organization by abusing procedure. It is a register that does damage to the prospects of direct dialogue by circumventing

bilateral negotiations, the only forum that can resolve differences in our region.

This Register, despite the perception of its being yet another achievement for the Palestinian observer, who spoke at such great length — literally — about it, cannot help the Palestinian people. Let me make it very clear: no Palestinian impacted by the security fence will be helped or assisted by this mechanism.

The security fence Israel has built is the direct consequence of Palestinian terror. Were it not for Palestinian terror, there would be no need for a security fence. The Palestinian strategy of encouraging terrorism is injurious to Israel and its citizens and destructive to the Palestinians' own interests. But the fence can stop the terrorists where the Palestinian Authority does not. Thousands of Israeli lives — those of Jews, Christians and Muslims — have been saved by the security fence, which has been operational in different areas for some time.

The numbers speak entirely for themselves. A similar fence in Gaza, agreed as part of the Israeli-Palestinian agreements, which garnered no dissent from the United Nations, has successfully prevented the infiltration of terrorists into Israel. On the other hand, in a mere three-year span, 135 suicide bombers from the West Bank carried out 121 terrorist attacks in Israel. Since 2000, over 1,000 Israelis have been murdered by Palestinian terrorists. This fence is absolutely necessary.

It is not just Israel that knows the effectiveness of the security fence. Here I will cite two recent statements echoing this reality. The first is from French Foreign Minister Philippe Douste-Blazy, who during an interview said,

> "I have significantly evolved on the matter of the separation fence. Although the wall was a moral and ethical problem for me, when I realized terror attacks were reduced by 80 per cent in the areas where the wall was erected, I understood I did not have the right to think that way".

The second is from Ramadan Shalah, the murderous leader of Islamic Jihad, who told Al-Manar Television that "The separation fence is an obstacle to the resistance, and if it were not there the situation would be entirely different" — meaning that Palestinian terror could continue undeterred.

As I alluded to earlier, a mechanism already exists in Israel for Palestinians to register their claims for compensation with regard to the building of the security fence. Any Palestinian landowners can file objections to the use of their land. To date, some 140 cases have already been reviewed, and 6,832,000 Israeli shekels, more than $1.5 million, has been paid by Israel to Palestinian complainants.

Moreover, Israel's Supreme Court has heard a number of cases, brought by Palestinians and Israelis alike, to alter the route of the fence. In some situations, the Court has ruled that the route of the fence should be changed, if it did not negate security concerns. That is the clearest proof that Israel's building of the fence is solely to protect its citizens, and that the fence is not a border.

The mere fact that the court allows such petitions to be submitted is yet another testament to the vibrant democracy in Israel and to our willingness to admit that Israel's Government is not above criticism. The process includes giving every affected individual, Palestinian or Israeli, the right to petition Israel's Supreme Court, and numerous such petitions are pending. Indeed, Israel's Supreme Court is one of the few courts in the world, and certainly the only one in the region, that vigorously applies international law to examine the domestic actions of its own Government. It is a fiercely independent judicial institution that has earned the respect of jurists and lay people around the world and it is probably the only court in the entire Middle East in which any Arab or Palestinian can challenge his own Government's actions and be assured of justice, rather than be jailed or even beheaded. Let an Arab or a Palestinian try to do that in Damascus, Tehran or Ramallah.

The route of the barrier, as always intended, will be decided according to security considerations, specifically, to the manner that best protects Israelis from Palestinian terror. The fence is reversible. It is entirely reversible. The taking of human lives by terror is completely irreversible.

The Palestinian observer, in his long litany, has lamented the fact that the security fence has ripped apart "the fabric of life of Palestinian society". Typically, we have not heard from him one single word about Palestinian terrorists ripping apart whole families and human bodies by the unique contribution to the world of their invention of suicide bombings — not

one single word — ripping apart the fabric of Palestinian life, yes, sadly; ripping apart bodies and human lives, not a single word, tragically. This security fence sprang not from a desire to beautify the Judean hills, but from a true need to preserve the sanctity of human life.

Although this is an open forum for the entire General Assembly, I must once again direct my concluding comments particularly to my esteemed Palestinian colleague and the people he represents here in this world body. Israel was willing to provide compensation to the Palestinians affected by the fence, but instead you chose to ask the United Nations for its help. Instead of helping your people and receiving direct assistance, you chose to put another political mechanism in place that does not and will not bring any relief to your people.

Indeed, it is ever frustrating, in this instance as in so many others, to see how you and your Government choose grandstanding over effectiveness and bravado over substance — an ongoing ritual of which your people are always the victims. However many times you repeat the sad mantra that Israel is the occupying Power — knowing full well that Israel left Gaza a year and a half ago, allowing you to turn it into a heaven, whereas you have chosen to make it a hell, both for your own people and for us — you cannot hide the fact that the real purpose, for all of us, is to narrow the inconceivable gap between the real world, where tangible things happen, and this Assembly, where the farce of the Palestinian litany takes over. Today, once more, we have failed to do so.

Indeed, where is the real emergency in this emergency special session? Where is the real emergency, and where is the real world? The real emergency and the real world is where a conference on Holocaust denial is being held by a State member of this Assembly, hosted by a ranting President who denies the Holocaust while preparing the next one. The real world and the real emergency is where, only yesterday in Rafah, we saw yet another manifestation of the chaos in the Palestinian Authority. The real emergency and the real world is where Palestinians are unable to form a Government that will meet the requirements of the international community as expressed by the Quartet and the Security Council.

In all honesty, should not all of us in this Hall be more concerned by those events, rather than wasting time, money, resources and energy on futile resolutions that will not improve the life of a single Palestinian? In this test of whether to do the right thing or to repeat the sad old mantras, you have once again failed your people and let us all down.

Sadly, this is a repeated pattern of behaviour both on the ground, where direct bilateral conversations are meant to be taking place, and here at the United Nations. Rather than shouldering your national responsibilities when it comes to ending the terror and violence against Israel on the ground, you prefer to see Israel sit on trial in New York, in another misrepresented emergency special session of the General Assembly, reconvened on account of an automatic majority — indeed, an immoral automatic majority. No material gain can come to your people from these theatrics — only General Assembly resolutions; only costly, totally inefficient and unnecessary United Nations mechanisms.

Indeed, the Secretary-General, in his final remarks on the Middle East to the Security Council earlier this week, echoed that sentiment:

> "Some may feel satisfaction at repeatedly passing General Assembly resolutions or holding conferences that condemn Israel's behaviour. But one should also ask whether such steps bring any tangible relief or benefit to the Palestinians." (*S/PV.5584, p. 4*)

Those are the Secretary-General's words, not mine.

I hope that the member States of this body ask themselves that very question, as well as asking what they wish to achieve when they decide to pump out political resolutions against Israel in this Assembly, as they are attempting to do yet again today.

I hope that they will ask themselves that question and that the next time the Palestinian observer and his allies ask the Assembly to resume the emergency special session — which in itself is an abuse of United Nations institutional procedure and a mockery of the true agenda of Uniting for Peace — that question will be answered in the right terms.

I hope that the member States of this body ask themselves that question when they have to fund yet another mechanism, paid for by the tax money of their citizens — a mechanism that will perpetuate, not resolve, the Palestinian issue. Especially at a time when the United Nations is undergoing a process of

reform, it is counterproductive — in fact, disingenuous — to demand the financing of such costly and duplicative mechanisms. The annual cost of the Register in this draft resolution would be far more than that of the suggested framework outlined in the Secretary-General's report. Would not that money be better spent elsewhere?

And I hope that Member States are aware of the millions of dollars that are already being spent each year by the United Nations to advance the so-called interests of the Palestinians. More than 20 resolutions — most of them redundant, obsolete and one-sided — are adopted by the Assembly annually. Other special bodies and committees, including a whole division of the Secretariat itself, are largely manipulated to advocate the Palestinian cause rather than peace.

The real barrier between Israelis and Palestinians is not the security fence, but the terrorism that makes it necessary. Were it not for that terrorism, a viable two-State solution would have emerged long ago. Palestinian terrorism seeks not the end of occupation, but the end of Israel. Recent statements made by the Hamas Palestinian leadership tell us that much. As long as the Assembly averts its gaze from that stark reality, it does the cause of peace a great disservice. The people in the region deserve — and, in fact, demand — better.

Tonight in Israel, as I speak, the people of Israel are lighting the first candle in the festival of Hanukkah, the festival of lights. The one request and the one prayer that I have, even here, even today, even at this moment, perhaps more than ever, is: at long last, let there be light.

Ms. Lintonen (Finland): I have the honour to speak on behalf of the European Union. The following countries — Bulgaria, Romania, Turkey, Croatia, the former Yugoslav Republic of Macedonia, Albania, Bosnia and Herzegovina, Montenegro, Serbia, Iceland, Liechtenstein, Norway, Ukraine and Moldova — align themselves with this statement.

The European Union reiterates that the construction of the separation barrier in the occupied Palestinian territory, including in and around East Jerusalem, is contrary to international law. The construction of the barrier in the occupied Palestinian territory is having a detrimental effect on the lives of Palestinians and jeopardizes a final-status agreement. We reiterate our call on Israel to desist from any action that threatens the viability of an agreed two-State solution.

The European Union reaffirms its intention to actively contribute to the work of the Quartet to get the Middle East peace process urgently back on track in order to make progress towards a comprehensive settlement on the basis of the Road Map, relevant Security Council resolutions and the commitments made at Sharm el-Sheikh in 2005. This should be done in close cooperation with Arab partners. The European Union welcomes the ceasefire in Gaza that President Abbas for the Palestinian factions and Prime Minister Olmert have committed themselves to. We encourage the parties to proceed to further confidence-building measures and to the resumption of a credible political process.

The European Union reaffirms that it will not recognize any change to the pre-1967 borders other than those agreed by both parties. We remain committed to the two-State solution as laid out in the Road Map and agreed between the parties, which would result in a viable, contiguous, sovereign and independent Palestinian State existing side by side in peace with Israel living within recognized and secure borders.

In July 2004, the European Union voted in favour of resolution ES-10/15, on the "Advisory opinion of the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, including in and around East Jerusalem". We support the establishment of a credible Register which is based on the Secretary-General's report.

Mr. Kumalo (South Africa): My delegation wishes to associate itself with, and fully supports, the statement delivered by the representative of Cuba on behalf of the Non-Aligned Movement.

Over two years ago, after a request from the Assembly for an advisory opinion, the International Court of Justice declared that the construction of the wall being built by Israel is contrary to international law and that Israel is under an obligation to cease construction of the wall and to make reparations for all damage caused by the construction of the wall. Paragraph 152 of the Court's decision stipulated that

> "'reparation must, as far as possible, wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed'". (*A/ES-10/273, p. 50*)

The Court further declared, in paragraph 153, that

> "Israel also has an obligation to compensate, in accordance with the applicable rules of international law, all natural or legal persons having suffered any form of material damage as a result of the wall's construction". (*Ibid.*)

Convening after the decision of the International Court of Justice, the General Assembly, in its resolution ES-10/15, of 20 July 2004, acknowledged the Court's advisory opinion. The General Assembly demanded that Israel comply with its legal obligations as set out in the advisory opinion and mandated the Secretary-General to set up a register of damages brought about by the construction of the wall.

Member States were guided in those actions by our recognition that the United Nations has a permanent responsibility towards the question of Palestine until it is resolved in its entirety on the basis of the Charter and relevant resolutions of the United Nations, international law and international humanitarian law.

Pursuant to the mandate of the Assembly, the Secretary-General has presented to us a report (A/ES-10/361) on the Register of Damage. We welcome the Secretary-General's report and urge the Assembly to adopt the draft resolution before us in document A/ES-10/L.20/Rev.1 endorsing its recommendations. The Register of Damage will serve as clear documented evidence of the loss suffered by innocent civilians caused by the construction of the wall.

The Register of Damage should provide comprehensive documentation, in the form of registration, verification and assessment, of all the damage that has been and continues to be caused by the construction of the wall. Through a comprehensive register of the nature proposed we will be able to ascertain the damage caused and the reparations required.

My delegation believes that, in order for the Register to be objective, it will be necessary for its board to be selected on the basis of independence, objectivity and impartiality, and for due regard to be paid to the geographical diversity of the members' nationalities. Furthermore we support the contention that the board should be selected by the General Assembly on the basis of candidates nominated by the Secretary-General.

Since the decision of the International Court of Justice, Israel has pressed ahead with the construction of the wall and the expansion of settlements, in clear contravention of international law. We are particularly concerned that those actions — that is, the illegal construction of the wall and the illegal expansion of the settlements — are an attempt by the Israeli Government to predetermine final-status issues such as the future of Jerusalem. In his presentation to the General Assembly on 19 October 2006 (see A/C.3/61/SR.24), the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1997, Mr. John Dugard, noted that Israel continues its policy of the "de-Palestinization of Jerusalem". The wall is constructed in such a way as to place about a quarter of East Jerusalem's Palestinian population of 230,000 in the West Bank. Mr. Dugard reports that that action of the Israeli Government is designed to ensure that Jerusalem assumes a predominantly Jewish character, which will undermine Palestinian claims to Jerusalem as the capital of an independent Palestinian State.

The inaction by the international community and the United Nations on the separation wall and settlements over the past year has had the effect of allowing Israel to solidify its occupation of East Jerusalem and the rest of the West Bank, further altering the demographic facts on the ground. The construction of settlements, the wall and its associated regime have gravely impacted the economic and social conditions of the Palestinian people, resulting in the violation of their most basic human rights and exacerbating the humanitarian crisis. Already, the wall has resulted in the confiscation and destruction of homes and restrictions on freedom of movement, and impeded access to basic necessities, such as water.

The international community's failure to provide the Palestinian Authority with adequate assistance to enable it to exert its authority and to establish law and order in the occupied territories has only strengthened the hand of extremists who feed off the anger of a people living under military occupation.

South Africa reiterates the call for strict compliance with the International Court of Justice's advisory opinion and for the immediate and full implementation of the Secretary-General's mandate to establish a registry of damages caused by the construction of the wall.

The United Nations cannot allow the current situation — in which one party enjoys more basic rights and freedoms than the other — to continue.

There should be equality and protection before the law and the parties should respect resolutions of the United Nations and honour their commitments under international agreements. In particular, both sides have a duty to bring an end to all senseless acts of terrorism and violence directed against civilians and to work towards reconciliation and peace.

Mr. Almansoor (Bahrain) (*spoke in Arabic*): My delegation associates itself with the statement made by the representative of Cuba on behalf of the Non-Aligned Movement.

The General Assembly is meeting today in its tenth emergency special session to consider the establishment of the Register of Damage wrought against all natural or legal persons under paragraphs 152 and 153 of the advisory opinion of the International Court of Justice. The General Assembly requested the establishment of the Register in its resolution ES-10/15 of 2 August 2004.

The establishment of the register is indeed urgently needed to document the damage that continues to be caused by the construction of the separation wall in the occupied Palestinian territories. At their fourteenth summit, held in Havana, Cuba, from 11 to 16 September 2006, the heads of State and Government of the Non-Aligned Movement expressed their disappointment at the lack of any progress towards the establishment of the Register at that time.

We thank the Secretary-General for his report, contained in document A/ES-10/361, and for his vision of the institutional framework necessary to established the Register. The Register will document the damage caused by the construction of the wall, the destruction of property or its seizure in circumstances that run counter to the provisions of articles 46 and 52 of the 1907 Hague Regulations, as well as of article 53 of the 1949 Fourth Geneva Convention. That was reiterated in paragraph 132 of the advisory opinion of the International Court of Justice on the legal consequences of the construction of the wall, as contained in document A/ES-10/273.

We express our appreciation to the Secretary-General for his actions to honour his commitment to establish the Register and to take the necessary steps, pursuant to paragraphs 133 and 153 of the advisory opinion, to identify such damage as the basis of its work, as noted by the Secretary-General in his report.

The separation wall would seem to represent an extension of the settler project and yet another facet of the expropriation of Palestinian territories and their dismemberment into isolated pockets and cantons. Its consequences and effects touch every aspect of life for the Palestinians. The separation wall has already isolated thousands of Palestinian households. It will have a devastating effect on education; students will be unable to reach their schools, which will be destroyed. It will also result in increased social devastation, particularly to health and other services. It will deprive the Palestinians of the right to water, damage the Palestinian environment and harm Palestinian agriculture. It will destroy and isolate historical and archaeological sites. It will lead to the annexation of many historical and archaeological Palestinian sites and degrade the importance of certain tourist destinations, including the cities of Bethlehem, Jerusalem and Hebron. It will affect the future of environmental and rural tourism in Palestine because many relevant sites — such as Al-Dhahab, north of Jenin — will end up to its west. As I said, it will also damage numerous archaeological sites, as noted by the Gaza Centre for Rights and Law.

It is clear that Israel's objective in its continued construction of the separation wall is to devour more of the occupied Palestinian territories, in blatant violation of the Fourth Geneva Convention. Ms. Catherine Bertini, the Secretary-General's Personal Humanitarian Envoy, in her report contained in document A/58/88, described the wall as a "new form of closure" that would have a direct impact on the lives of more than 200,000 Palestinians in the West Bank, preventing their access to clean drinking water, rendering agricultural lands fallow, and hindering economic, social and educational services.

According to the Secretary-General's report, the construction of the wall will block the achievement of the desired outcome of the road map. It cannot be justified by any security claims. In his report, the Secretary-General notes that it could undermine the long-term prospects for peace and make it more difficult to establish a viable, contiguous and independent Palestinian State.

In his report of 19 September 2006, the Secretary-General states that the

> "[t]he pace of construction of the barrier in the West Bank accelerated during the reporting

period. Land expropriation orders were issued by the Government of Israel to allow the extension of the barrier around Jerusalem eastward so as to envelop the settlement of Ma'ale Adumim" (*A/61/355, para. 15*).

In its advisory opinion, the International Court of Justice affirmed the illegal character of the Israeli settlements and of the separation wall. The Mitchell Committee report of 20 May 2001 called for freezing settlement activity in order to build confidence.

Despite all that, Israel perseveres in its expansionist settlement policy and in the establishment of checkpoints and bypass roads in clear contravention of the provisions of the Road Map concerning the dismantlement of settlement outposts and of United Nations resolutions, including Security Council resolution 446 (1979), which determined that these settlements have no legal validity.

The construction of the separation wall has resulted in the seizure of further Palestinian lands. The Economic and Social Council has reported that Israel's expropriation of Palestinian land continued into September 2005, when it seized more than 4,100 acres for the establishment of the wall, which Israel continues to build following the new route agreed to by its Government in February 2005.

The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/61/500) refers in paragraph 31 to the continuation of Israel's policy aimed at creating a segregation zone in the West Bank, cutting through the western part of the West Bank and running from north to south, taking the most fertile agricultural lands, isolating Palestinian communities in enclaves, undermining the territorial contiguity of the Palestinian villages and cities, and confiscating natural resources.

The Special Rapporteur on the situation of human rights in the occupied Palestinian territories reaffirms that there is no way that Israel can justify building the wall as a security measure. However, the Israeli Government, according to the Special Rapporteur, is now portraying the construction of the wall as a political measure that aims at annexing 10 per cent of the Palestinian land located between the Green Line and the wall, where 76 per cent of Israeli settlers live.

The separation wall has a grave impact on the Palestinians who live in the enclosed area between the Green Line and the wall. They will be separated from their workplaces, schools, universities and specialized health services. Their social life is completely fragmented. Palestinians who live on the eastern side of the wall face enormous economic difficulties because they can no longer reach their land to gather their harvests or to raise their cattle without obtaining special Israeli permits, which are very hard to get.

In this regard, the Islamic Conference of Foreign Ministers, at its thirty-third session, held in Baku from 19 to 21 June 2006, strongly condemned the continuation by Israel, the occupying Power, of its construction of the expansionist wall in the occupied Palestinian territories, including that part of the wall which is known as the Jerusalem envelope, which aims at dismembering Jerusalem and isolating its inhabitants. The Conference reiterated the importance of the General Assembly's call to Switzerland, as the depositary State of the Fourth Geneva Convention, to hold the necessary consultations among the High Contracting Parties of the Convention. In a number of resolutions, the Security Council has reaffirmed the applicability of the Fourth Geneva Convention to the Arab territories occupied by Israel since 1967, including East Jerusalem. The Council has called upon Israel, as the occupying Power, to comply strictly with the Convention.

The establishment of the Register is indeed an urgent matter that is born of a conviction that it has an important role to play as a mechanism to limit Israeli violations against the Palestinian people, who continue to languish under the occupation.

Mr. Ali (Malaysia): First of all, Madam President, let me thank you for convening this very important meeting.

When we met more than two years ago, we requested the Secretary-General, in resolution ES-10/15, to establish a register of damage caused to all natural or legal persons concerned in connection with paragraphs 152 and 153 of the advisory opinion of the International Court of Justice of 9 July 2004 on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, including in and around East Jerusalem. We are dismayed that it has taken quite some time for the register to be established. However, we wish to express our appreciation to the Secretary-General

for his effort to provide the institutional framework for the establishment of the register, as outlined in his report contained in document A/ES-10/361.

Before proceeding further, my delegation wishes to associate itself with the statement delivered by the representative of Cuba on behalf of the Non-Aligned Movement. My delegation would also like to associate itself with the statement delivered by the Permanent Observer of Palestine.

The International Court of Justice, the principal judicial organ of the United Nations, through its advisory opinion of 9 July 2004, concluded that by the construction of the wall in the occupied Palestinian territory, Israel had violated various international law obligations incumbent upon it, and that, since the construction of the wall entailed the requisition and destruction of homes, businesses and agricultural holdings, Israel had the obligation to make reparation for the damage caused to all the natural or legal persons concerned. The Court further stated, in paragraph 153 of the opinion, that

> "Israel is accordingly under an obligation to return the land, orchards, olive groves and other immovable property seized from any natural or legal person for purposes of construction of the wall in the Occupied Palestinian Territory. In the event that such restitution should prove to be materially impossible, Israel has an obligation to compensate the persons in question for the damage suffered. The Court considers that Israel also has an obligation to compensate, in accordance with the applicable rules of international law, all natural or legal persons having suffered any form of material damage as a result of the wall's construction." (*A/ES-10/273*)

The advisory opinion of the International Court of Justice is very clear. There should be no doubt in anyone's mind about Israel's obligation and responsibility to return those lands or properties seized for purposes of construction of the wall in the occupied Palestinian territory and to compensate those affected.

But despite this fact, we continue to witness total disregard by Israel of its obligations and responsibility in this matter. What is of greater concern is that Israel continues its intransigent behaviour by totally ignoring the Court's advisory opinion and continuing the construction of the wall and its policy of strangulating the social and economic life of the Palestinians.

It has been widely acknowledged that the wall has brought nothing but more hardship and despair to the Palestinians, as if the constant harassment, violence and military attacks were not enough. The wall has had an impact on the lives of more than half a million Palestinians living within one kilometre of it. The impact of the wall and of settlement activities on Palestinian agriculture also continues to be substantial. It has led to the confiscation of more than 273,000 hectares of the West Bank's most fertile land — representing approximately 15 per cent of all West Bank agricultural land — and to the loss of control over 49 Palestinian water wells. In addition, the destruction of physical infrastructure has left 22 per cent of the West Bank areas surrounding the wall without road and water networks and has left nearly 50 per cent of the residents without access to health services.

Palestinians face economic hardship, as they are unable to reach their land to harvest crops, graze animals or earn a living. Residents have also been cut off from schools, universities and hospitals. The damage caused by the destruction of land and property for the wall's construction will take many years to repair. It will hinder Palestinian development if and when a political solution is found.

Sadly, the wall is but the most visible sign of the transformation of the occupied Palestinian territory into a vast open-air prison. Its construction has led to a severe deterioration of the human rights situation of those living under Israeli occupation. The wall has adversely affected the social fabric of Palestinian communities, and it will continue to do so.

My delegation has highlighted the impact of the wall on the lives of the Palestinians to show that it goes beyond just the economy. The hardship that the Palestinians have faced daily for so many years is immeasurable and cannot in any way be quantified in terms of monetary value. That notwithstanding, the establishment of the Register of Damage would indeed be very timely and important. It would provide a technical, fact-finding process of listing or recording the fact and type of the damage caused as a result of the construction of the wall. It would provide immediate monitoring of damages caused. In short, the Register would serve as a comprehensive record of the damage caused to all natural and legal persons as a result of the construction of the wall.

For far too long, the hardship and the predicament of the Palestinians have never been recorded or journalized in a proper register under the administration of the United Nations. It is only right and proper that we begin to do so now, so that the injustice inflicted on the Palestinians by Israel will forever be in the annals of history. We must make earnest efforts to ensure that the Palestinians will not be denied that right, and we must establish the Register of Damage, including the setting up of its office, as soon as possible.

We call on Member States, the parties involved and the relevant United Nations agencies to extend their support and cooperation to the office of the Register of Damage. Such support and cooperation would ensure successful implementation of the Register. The Register must be more than just a shopping list; it must be a well prepared and substantiated document that enables the affected people to be compensated for their losses and permits the restitution of their land and properties.

Israel is accountable and responsible for the entire predicament and the hardship of the Palestinians caused by the construction of the wall. There is no valid excuse that Israel can use to justify its actions. The Secretary-General, in one of his reports to the General Assembly, stated:

> "I acknowledge and recognize Israel's right and duty to protect its people against terrorist attacks. However, that duty should not be carried out in a way that is in contradiction to international law". (*A/ES-10/248, para. 30*)

The international community should not allow Israel to continue to ignore with impunity the advisory opinion of the International Court of Justice and the relevant Security Council and General Assembly resolutions. It has the full obligation and responsibility to make reparations for all the damages caused by the wall. It must immediately stop the construction of the wall and dismantle and remove its completed sections. We urge the international community, and in particular the Assembly, to ensure that Israel acts immediately in that regard.

The Assembly is also duty-bound to ensure that the lives and livelihoods of the Palestinians are secured. Draft resolution A/ES-10/L.20/Rev.1, entitled "Establishment of the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory", which is now before us, is intended to attain that objective. We call on the Assembly to adopt the draft resolution.

Mr. Al-Murad (Kuwait) (*spoke in Arabic*): The State of Kuwait would like at the outset to emphasize the crucial importance of the resumption of the tenth emergency special session, on illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory. We also wish to thank the Secretary-General for his report (A/ES-10/361), on the establishment of the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory. In addition, I wish to associate myself with the statement made by the representative of Cuba on behalf of the Non-Aligned Movement.

Israel, the occupying Power, continues its illegal construction of the separation wall on the occupied Palestinian territory, including in and around East Jerusalem, in total disregard of the 9 July 2004 advisory opinion of the International Court of Justice, which states that the wall being constructed by Israel is illegal, because it is contrary to provisions of international law and to relevant United Nations resolutions, and that the wall must therefore be dismantled. The Court also concluded that the expansion of settlements is contrary to international law. The advisory opinion of the Court, which is the supreme judicial body of the United Nations, was adopted by 14 votes to 1 and is a historic milestone in international law. It clearly sets out the applicable provisions and principles in this area, including those of international humanitarian law and human rights law — provisions and principles that are being violated by Israel, the occupying Power, through its construction of the illegal separation wall.

The State of Kuwait wishes to reaffirm the advisory opinion of the International Court of Justice, which states that the wall is illegal, that Israel must halt all further work and that the wall should be demolished. Building the wall constitutes a flagrant violation of the Fourth Geneva Convention. Large areas of Palestinian territory have been illegally annexed, which has displaced civilians and compounded the humanitarian problems of the Palestinian people, who are already suffering so much.

It is obvious that the construction of the separation wall is a major obstacle to the implementation of the Road Map, because it hampers

the establishment of a viable Palestinian State living side by side with the State of Israel. The measure has also undermined any possibility of achieving the two-State solution and given rise to attacks and counter-attacks.

With the closure of transit points, the seizure of land and commercial enterprises, and increasing poverty and unemployment, the wall's construction has had serious consequences for the conditions of life and economy of the oppressed Palestinian people. Israel must therefore assume its responsibility to return the land seized and provide compensation to those who have suffered damages as a result of the wall's construction, pursuant to paragraph 153 of the advisory opinion of the International Court of Justice.

Kuwait welcomes the establishment of the United Nations Register, which would redress the current situation. Its establishment pursuant to resolution ES-10/15 of 20 July 2004 is an important step in listing the damage suffered by natural or legal persons resulting from the construction of the wall in the occupied Palestinian territories and East Jerusalem. It draws attention to the need to register all types of damage in connection with paragraphs 152 and 153 of the advisory opinion. The Register would be established within six months of the General Assembly's adoption of the draft resolution before it and would immediately begin to accept applications for compensation.

In conclusion, I very much hope that the international community will assume its responsibilities with respect to the Palestinian people so that they will be able to exercise their inalienable rights, bring to an end their half-century of suffering, be free of Israeli occupation, and establish their independent State on their national soil, with Jerusalem as its capital. Only thus will peace, stability and security be achieved. A just and comprehensive peace, based on international legitimacy, must be found in order to bring an end to the Israeli-Arab conflict being played out in Palestine, pursuant to resolutions 242 (1967) and 338 (1973), the principle of land for peace, the road map and the Arab Peace Initiative.

Mr. Al-Shamsi (United Arab Emirates) (*spoke in Arabic*): On behalf of the delegation of the United Arab Emirates, I have the honour to convey to you, Madam, our gratitude and appreciation for your wise management of the resumed tenth emergency special session. I would also like to take this opportunity to thank Secretary-General Kofi Annan for his valuable report, which is contained in document A/ES-10/361 and explains the institutional framework required for the implementation of paragraph 4 of resolution ES-15/10. On behalf of my country, I also wish him every success in his personal life after the expiry of his term of office at the end of the year.

We support the statement made by the representative of Cuba on behalf of the Non-Aligned Movement.

The resumption of the tenth emergency special session pursuant to resolution ES-10/14 — which was adopted by a majority vote in the General Assembly in December 2003 and contained a request for an advisory opinion from the International Court of Justice on the legality of the construction of a racist separation wall by Israel, the occupying Power, inside the occupied Palestinian territories, including in and around East Jerusalem — demonstrates complete respect for the principles of international law, especially since the session will evaluate the international community's implementation of the legal advisory opinion that was issued by the world's highest judicial body on 9 July 2004.

The request for the establishment of the legal Register of Damage by the International Court of Justice in order to record damage to all natural or legal persons, as referred to in paragraphs 152 and 153 of the advisory opinion, reflects the conviction of its independent judges, whose integrity and high professional competence are well proven, that the construction of the wall is illegal and should be stopped, and the wall itself dismantled. It further demonstrates their strong sense of the extent of the growing legal, humanitarian, social, psychological, environmental, political and sovereignty implications suffered by the Palestinian people due to the construction of the wall.

Anyone who has followed Israel's engagement in building the wall since June 2002 has clearly witnessed the implementation of a progressive expansionist scheme aimed not only at isolating and confining hundreds of thousands of Palestinians in narrow and isolated cantons and at barring their access to schools, hospitals, workplaces, land, property and places of worship, but also at the widespread and illegal seizure of thousands of acres, water sources and other natural resources. That is in addition to the forced

displacement of more Palestinians in the framework of the so-called closed military zones and the subjection of about 46 per cent of territory of the West Bank and East Jerusalem and the entire Jordan valley to complete Israeli control with a view to legalizing the settlements that have been built there illegally in order unilaterally to create new political and demographic facts in the Palestinian territories and to establish the borders of the State of Israel before the final status negotiations are initiated. All that will come at the expense of the inalienable and sovereign rights of the Palestinian people, including their right to establish an independent State, with Jerusalem as its capital. It also constitutes a gross violation of the United Nations Charter and the provisions of international law and other human rights instruments, especially article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Times of War.

The flagrant security pretexts to which Israel repeatedly resorts to justify the construction of the separation wall — which is now 662.2 kilometres long and extends more than twice the length of the boundaries of the Palestinian territories occupied by Israel since 1967 — will no longer deceive the international community, particularly since the advisory opinion of the International Court of Justice has affirmed in direct and explicit language that Article 51 of the Charter, to which the Government of Israel used to refer to justify its acts, does not apply to the construction of the separation wall inside the Palestinian territories. Furthermore, the Israeli Government can no longer claim the right to self-defence to obfuscate the wrongfulness and illegality of the wall, which was built contrary to the provisions of international law.

Thus, the United Arab Emirates, which considers the advisory opinion of the International Court of Justice to be a legal confirmation of the applicability of the Geneva Convention to the occupied Palestinian territory, including East Jerusalem, reiterates its demand that the international community assume its full responsibilities for ensuring Israel's immediate and unconditional compliance with all the legal requirements set out in the advisory opinion of the International Court of Justice, particularly the endorsement of the illegality of the wall and the call for its total removal and dismantling, including all the Israeli settlements constructed illegally in Palestinian territories between the separation wall and the Green Line, and the obligation to make reparations for all the resulting damage.

We have carefully considered the proposal made by the Secretary-General concerning the statute of the Register of Damage caused by the construction of the wall and its maintenance, which limits the goals of the Register to merely a comprehensive documentation of all damage and losses, without any assessment of the damage or any determination of the necessary compensation or settlement of claims. We therefore call for the following.

First, transparency and flexibility should be observed in the rules and regulations governing the establishment and maintenance of the Register. The Register's administrative, legal and technical team must have the necessary competence and be easily accessed in order to ensure the successful attainment of the objectives for which the Register was established, which include the comprehensive documentation, through a flexible approach, of all damages, losses and claims relating to the legal, economic and social implications of the construction of the separation wall.

Secondly, the Register must be maintained throughout the existence of the separation wall in the occupied Palestinian territories, including in and around East Jerusalem. There is a need to raise awareness among the Palestinian people as to the purpose of the Register and to provide them with the necessary information on how to complete and submit claim forms.

Thirdly, we must advance the objective of the Register through the establishment of an international mechanism aimed at providing an accurate assessment of the damage caused by, and the legal impact of, the construction of the wall by Israel, and determine appropriate compensation for such damage, including that resulting from having prevented the Palestinians from accessing their workplaces, health services, educational institutions and water resources in the areas between the Green Line and the separation wall.

Fourthly, the Israeli Government must be obliged to make reparations for all damage and its consequences, in accordance with the rules and norms of international law as well as the advisory opinion of the International Court of Justice, including the return of all occupied lands, properties and natural resources to the Palestinians, as well as pay appropriate financial compensation for all

damage, suffering and losses caused during the period of construction of this wall and beyond.

Fifthly, all Member States and all others concerned must fully cooperate with the office of the Register of Damage to facilitate the implementation of its specific mandate.

Sixthly, the General Assembly must continue its consideration of this important matter and take all measures necessary until Israel has complied fully with the provisions of the advisory opinion of the International Court of Justice, including restoration of the rights of Palestinians affected by the construction of the racist separation wall in their occupied territories.

In conclusion, the United Arab Emirates, which demands the complete cessation of all assistance provided with respect to the construction of the Israeli wall and the illegal settlements inside the Palestinian territories occupied since 1967, including in and around East Jerusalem, calls for the imposition of punitive measures against those entities, companies and individuals that have contributed to and profited from the construction of the wall. The United Arab Emirates also calls upon all Member States to continue their condemnation and non-recognition of Israel's illegal and unilateral acts and to see that such measures are halted, as they constitute a real threat to efforts to achieve a just, comprehensive and lasting solution to the Palestinian question and the situation in the Middle East. Such a solution must be based on the two-State vision: a viable Palestinian State and an Israeli State, living side by side, within safe and internationally recognized borders, which will ultimately lead to stability, security, harmony and coexistence among all countries and peoples of the region.

Mr. İlkin (Turkey): My delegation has associated itself with the statement made by the representative of Finland on behalf of the European Union. As our views and concerns are generally reflected in that statement, I will confine myself to making the following remarks.

Whether we call it a wall, a security fence or a barrier, the structure which is being built in the West Bank has become a visible hindrance to achieving a just and lasting peace in the region. Cutting deep into certain areas of Palestinian territory, that structure has further complicated the already vexing issues pertaining to the Palestinian question. The International Court of Justice, in its advisory opinion of July 2004, deemed the wall and the policies associated with it as contrary to international law. Indeed, they also run counter to the vision of two States living side by side within secure and recognized borders.

Turkey believes that in order to reach a viable settlement, the basic parameters of a just and comprehensive solution must not be undermined by unilateral actions. The creation of a de facto situation on the ground which would prejudge the borders of a future Palestinian State and the issue of settlements in the West Bank do not bode well for efforts to revitalize the peace process. It is evident that those policies have led not only to a physical separation but also, at the mental level, to a deep fissure between the two peoples.

On the other hand, Turkey recognizes the right of every State to protect its citizens. This also definitely applies to Israel. However, measures adopted to curb violence should in no way undermine the legitimate rights and vital interests of the Palestinians.

Turkey wishes to see new dynamics in the context of the Palestinian-Israeli conflict through the mutual implementation of confidence-building measures by the two parties. We believe that the long-needed ceasefire agreement between President Abbas and Prime Minister Olmert in the Gaza Strip has been a step in the right direction. We welcome the reconciliatory speech delivered by Prime Minister Olmert in the Knesset late last month, reflecting the desire of Israel for dialogue and compromise. Having the ceasefire extended to the West Bank would certainly further that undertaking.

It is also our sincere wish that both sides make every effort to put an end to the violence and insecurity which have gripped the region for too long. Both the Palestinians and the Israelis certainly deserve better. The international community must assist both sides in generating fresh momentum towards the objective of achieving lasting peace, security and stability, for the well-being of all peoples in the region.

On this occasion, we also appeal to the leaders of Palestine to overcome their internal differences and to join hands in the pursuit of peace.

The meeting rose at 1.20 p.m.

United Nations A/ES-10/PV.31

General Assembly
Emergency Special Session

Official Records

31st meeting
Friday, 15 December 2006, 3 p.m.
New York

President: Ms. Al-Khalifa ..... (Bahrain)

The meeting was called to order at 3.05 p.m.

Agenda item 5 (*continued*)

Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Report of the Secretary-General (A/ES-10/361)

Draft resolution (A/ES-10/L.20/Rev.1)

Report of the Fifth Committee (A/61/625/Rev.1)

Mr. Abdelaziz (Egypt) (*spoke in Arabic*): It is truly a difficult position in which I find myself: the General Assembly Hall is not exactly full of representatives. Nevertheless, the Assembly is meeting once again at its resumed tenth emergency special session to reaffirm the illegality of Israel's construction of the separation wall in the occupied Palestinian territory and to strengthen the international community's commitment to the 9 July 2004 advisory opinion of the International Court of Justice on the illegality of the construction of the wall and the legal consequences arising from it.

In that regard, international efforts should be made to ensure the implementation of resolution ES-10/15, which requested the establishment of a register to document the damage inflicted on all natural and legal persons as a result of the construction of the wall. Such implementation is necessary to safeguard the legitimate rights of the brotherly Palestinian people, which have been violated by Israel, and, in particular, to end Israel's occupation since 1967 of Palestinian territory and to emphasize that the international community does not recognize changes on the ground made by Israel to affect territory and border issues through the establishment of an illegal separation wall.

Despite a two-year delay in the issuance of the Secretary-General's report (A/ES-10/361), we firmly support its recommendations relating to the establishment of the Register and to the General Assembly's undertaking the necessary action in that regard, based on the guidelines contained in draft resolution A/ES-10/L.20) submitted by the Arab Group and the Non-Alignment Movement.

The consequences of the construction of the wall are not limited to political and legal aspects, but also extend to its social and humanitarian impact on the lives of the Palestinian people, who have been additionally burdened by constraints on their freedom of movement, resulting in increased unemployment and economic hardship. The growing number of checkpoints has led to a decline in the level of medical services. That, coupled with the constraints imposed on movement, has led to an increase in the mortality rate. Palestinians' hope of living in humane conditions is dwindling as a result of continued Israeli violations of their human rights. Even as the United Nations calls for respect of those rights, Israel continues to violate them systematically, ignoring resolutions of international legitimacy and the rules of international law, including the 9 July 2004 advisory opinion of the International Court of Justice.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

07-25260 (E)

That advisory opinion emphasized the responsibility and obligation of Israel, the occupying Power, to return land and all immovable property seized from all natural or legal persons in the process of constructing the wall in the occupied Palestinian territory and to compensate the persons in question for the damage suffered. A register is thus required to assess the damage and collect claims by means of a comprehensive institutional framework that can safeguard the legitimate rights of the Palestinians and identify the nature of the damages that they have suffered with a view to assessing the losses and claiming compensation.

In this regard, I would like to underline the importance of establishing the office of the Register of Damage in accordance with regulations that will ensure that it has the highest degree of independence and impartiality in its work and of endowing it with the capacity to investigate the facts in an objective manner, identifying damage and establishing rights. Furthermore, in selecting staff for office of the Register, individuals should be chosen on the basis of their competence and integrity. Comprehensive public campaigns should also be undertaken by the United Nations to raise awareness among the Palestinian people about the establishment of the Register and to provide them with guidance about how to submit claims and register damage, especially during the initial phases following the adoption of the draft resolution today.

Egypt's position on the wall has been clear since the very beginning. We have emphasized its illegality and have warned about the danger that it poses and its potential consequences for the establishment of a viable and geographically contiguous Palestinian State.

Egypt has also warned about its potentially catastrophic consequences for the humanitarian situation of the brotherly Palestinian people and has stressed that security concerns do not justify the construction of the wall. Israel will not achieve security as long as it continues its occupation and settlement activities and as long as it continues to change the situation on the ground by force. The only way to achieve peace and security is through the implementation of a just and comprehensive settlement of the Arab-Israeli conflict based on the principle of land for peace, the Arab Peace Initiative of 2002, the relevant Security Council resolutions, especially resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), and the Road Map. We underline the importance of updating the Road Map in accordance with new time lines that guarantee the carrying out of final-status negotiations as soon as possible, in order to fulfil the aspirations of the Palestinian people and the whole international community for the establishment of an independent sovereign Palestinian State, with East Jerusalem as its capital.

The advisory opinion of the International Court of Justice has particular significance in the light of the efforts aimed at strengthening the rule of law at the international level and with regard to enhancing the possibilities of achieving a just, comprehensive and lasting peace in the Middle East through final-status negotiations.

Accordingly, we call on all parties to work towards that end, to promote the values of law and justice and to emphasize respect for international law and its applicability to all countries without discrimination, selectivity or double standards. By adopting draft resolution A/ES-10/L.20 today, the General Assembly will reaffirm that no State is above the law and that the achievement of peace requires a commitment to the rules of international legitimacy, relevant Security Council and General Assembly resolutions and the implementation of resolution ES-10/15 acknowledging the advisory opinion of the International Court of Justice.

Israel is obliged to respect the international will and refrain from hampering the work of the Register of Damage, cease construction of the wall and refrain from settlement activities, which undermine the prospects for peace and a two-State solution. This will lead to the strengthening of confidence-building efforts, for which Egypt is continuing to work with both parties, in an effort to achieve the release of the Palestinian prisoners in return for the abducted Israeli soldier, the release of Palestinian officials and parliamentarians and the consolidation of the ceasefire in Gaza and its extension to the West Bank, in order to create a favourable atmosphere for the resumption of negotiations and the start of final-status negotiations with a comprehensive and substantive vision for settling the conflict, based on the resolutions and terms of reference approved by the international community as embodied in the United Nations.

Mr. Al-Anazi (Saudi Arabia) (*spoke in Arabic*): The delegation of the Kingdom of Saudi Arabia

warmly thanks you, Madam President, for having reconvened this emergency special session. We support the statement made by Cuba on behalf of the Non-Aligned Movement.

On 9 July 2004, the International Court of Justice issued an advisory opinion on the construction of the separation wall in the occupied Palestinian territory. The Court said that it was contrary to international law and called on Israel to comply with its international commitments and to proceed immediately to dismantle the wall. It also called on Israel to repeal all laws and regulations relating to the construction of the racist separation wall. Furthermore, the International Court of Justice also said that Israel must make reparations for damage incurred by all natural or legal persons affected by the construction of the wall.

Historically, all advisory opinions issued by the Court since 1946 have been fully respected and complied with. Israel, however, continues to flout decisions and resolutions, regardless of their source. The question of the wall is such that the political, economic, humanitarian and legal consequences and implications are all interrelated. The construction of the racist wall has created legal problems, as well as social, economic, humanitarian and political problems.

The length of the wall is to be 700 kilometres. Fifty-one per cent of the wall has already been built. About 13 per cent is currently being built and 36 per cent has not yet been begun. More than 22 international humanitarian relief organizations have called for the implementation of the International Court of Justice advisory opinion. Amnesty International has said that construction of the wall has had extremely serious economic consequences, causing 60 per cent of the Palestinians to live below the poverty line of two dollars a day. The unemployment rate hovers around 50 per cent.

The wall being built in the occupied Palestinian territories is contrary to international law. That is a fact regardless of the arguments and justifications raised. The Security Council adopted its resolutions 478 (1980) and 497 (1981) on this very matter. Yet the occupying Power continues to violate these resolutions through the building of settlements between the Green Line and the racist separation wall. The settlements are illegal under international law and their existence is dependent on the wall, which is illegal. The occupying Power is seeking to establish an enduring de facto reality. The separation wall can never be legal and in conformity with international law unless it conforms to the Green Line.

In fact, the wall is a tool for ethnic cleansing, and an integral part of a broader policy whereby Israel reaffirms its racist aspirations and its intention to live by violating international law. Israel has to be either for or against international law; there is no middle ground here.

The construction of the wall has devastating consequences today, as it will in the future. Israel has been working on a "road map" of its own to prevent the establishment of a viable Palestinian political entity. Seventy-five per cent of the area in and around East Jerusalem and eighty-five per cent of the area of the occupied West Bank is affected. Israel is thus unilaterally imposing its own new reality on the land, turning the Palestinian territory into a few isolated and surrounded houses, so that no viable contiguous Palestinian entity can come about in the future. Israel's justification and pretexts for constructing the wall go beyond security concerns. It aims at plundering the wealth and water resources of the Palestinians and simultaneously displacing them.

Israel has destroyed or isolated around 90 water wells with a capacity of 7 million cubic metres of water, which the Palestinians have lost. The wall is also robbing the most fertile land from the West Bank, which of course worsens the living conditions of many Palestinian families who are barely surviving at the brink of the poverty line. That area used to produce 2,000 tons of olive oil per season but this figure is shrinking daily.

Israel's pursuit of building the wall is evidence of the failure of the United Nations ever since resolution 181 (II) was adopted. The wall plunders Palestinian property, destroys their orchards and uproots their trees. The wall is being built as a racist project with well-known financial sources and aims at tightening the screws on the Palestinian people, leaving most of the settlements in the West Bank within Israel, including East Jerusalem.

It is our conviction that if Israel believes that by building this separation wall it will feel secure, then it has taken the wrong road to that end, because however high and long the wall is, it will never make Israel more secure. Security can only come about through just and comprehensive peace.

We acknowledge that security is a legitimate requirement for the peoples of the region. Nobody can deny a people its right to be safe and secure, but we also have to recognize that the security of one people cannot be achieved at the expense of that of others.

Here, we would like to ask who really needs security and safety. Is it the occupying Power? Is it the State that is armed to the teeth and that has the most sophisticated and destructive weapons? Is it the country that possesses weapons of mass destruction? Is it the country that refuses to join the Treaty on the Non-proliferation of Nuclear Weapons (NPT) and that flouts the decisions of the General Assembly and the Security Council? Is it the country that violates the 1949 Geneva Conventions? Does that State have such a need for security that it must insert this cancer, the wall, into the heart of the Palestinian land?

We greatly appreciate the Secretary-General's work within the general framework of establishing the Register of Damage, even though it has taken some two years to reach this point. We trust that the Register will finally be established — and very soon, because the more time passes, the harder it will be to find material evidence of damage and the harder it will be to list displaced persons and persons who have suffered serious damage.

Meanwhile, the wall is inexorably being built in the face of indifference on the part of those who could end its construction and, consequently, of those who could stop Israel from annexing the land in that area and linking it to its infrastructure.

We call on all States Members of the United Nations to support draft resolution A/ES-10/L.20, on the Register of Damage, so that the Palestinians can recover their usurped rights. The suffering of the Palestinian people can be eased only if the hateful and deplorable wall and occupation are stopped.

Mr. Kabtani (Tunisia) (*spoke in Arabic*): Madam President, my delegation thanks you for having responded positively to the request to resume the tenth emergency special session of the General Assembly, to address the question of Israel's illegal actions and construction of the separation wall in the occupied Palestinian territory and in East Jerusalem.

We thank the Secretary-General for his report (A/ES-10/361), which came out after a delay of two years; it gives the general background for the establishment of the Register of Damage. This is related to the construction of the wall in the occupied Palestinian territory.

The International Court of Justice, in its advisory opinion of 9 July 2004, determined that the usurpation of Palestinian land by Israel places on Israel the

> "obligation to compensate ... all natural or legal persons having suffered any form of material damage as a result of the wall's construction". *(A/ES-10/273, para. 153)*

In that context, my delegation supports the Secretary-Genera's proposal to set up a Register of Damage at the site of the United Nations Office at Vienna that would report to the General Assembly and consider listed damage claims.

My delegation hopes that the United Nations bodies and specialized agencies, in particular the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the United Nations Development Programme, will cooperate with the office of the Register so as to facilitate its task and render it successful.

Successive reports of the Secretary-General, the advisory opinion of the International Court of Justice and international observers agree that the separation wall represents an effective expropriation of Palestinian land, that it isolates Palestinian territories from one another, and that it hampers the free circulation and movement of Palestinian persons and goods — a clear violation of international law, including the principle of the inadmissibility of the acquisition of the territory of others by force. We call on Israel to halt and cancel the construction of the wall, in accordance with resolution ES-10/15, adopted at the tenth emergency special session of the General Assembly on 20 July 2004.

Attempts to impose faits accomplis on the Palestinian people and forcibly to change the demographic and geographic character of the occupied territories, as well as the expansion of settlements, are factors that are hampering the peace process and the creation of an independent, viable and lasting Palestinian State.

The Middle East region today urgently needs goodwill initiatives to strengthen confidence-building between the two parties; it does not need separation walls. Security cannot be achieved by building

psychological or physical barriers, but through a genuine political will to engage seriously and responsibly in peace talks and in putting an end to the occupation, so that the Palestinian people can establish an independent State on their national soil, with Jerusalem as its capital, in accordance with international law and resolutions of international legitimacy.

In conclusion, my delegation hopes that the draft resolution before the Assembly will receive support from Member States.

Mr. Shiweva (Namibia): Madam President, allow me, on behalf of my delegation, to convey our gratitude to you for having convened this important meeting. My delegation associates itself with the statement made by the representative of Cuba on behalf of the Non-Aligned Movement. We also support the statement made by the ambassador of Palestine.

My delegation is pleased to participate in this tenth emergency special session to consider the item "Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory". We thank the Secretary-General for his report (A/ES-10/361) provided pursuant to paragraph 4 of resolution ES-10/15 of 20 July 2004.

It has taken the office of the Secretary-General more than two years to implement the decisions contained in paragraph 4 of the aforementioned resolution on this very crucial issue. Nevertheless, we appreciate the efforts of the Secretary-General to provide the General Assembly with a description of the institutional framework required for the implementation of the resolution, in accordance with the advisory opinion of the International Court of Justice of 9 July 2004 on the legal consequences of the construction of a wall in the occupied Palestinian territories, including in and around East Jerusalem.

It is no exaggeration to say that the construction of the separation wall has had devastating political, economic and humanitarian consequences for the people of Palestine. This is well documented in the landmark advisory opinion of the International Court of Justice, which determined the illegality of the construction of that wall. The advisory opinion requested the Government of Israel to stop further construction and to bring down the wall.

However, despite the ICJ opinion and overwhelming support for General Assembly resolutions affirming that opinion, Israel continues to expand its illegal activities, including the construction of the separation wall.

The establishment of the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory is therefore of critical importance. We welcome and support this initiative, which, we hope, will lead to just compensation for the Palestinian people, in accordance with the applicable rules of international law.

But it is not enough to have a list of damages in numerical terms without an accompanying evaluation or an assessment of the value of the loss or damages. We would like to see simultaneous action in that respect.

Namibia concurs with the Secretary-General's proposal on the structure, function and headquarters of the office of the Register of Damage. We also support the idea of making the office of the Register of Damage a subsidiary organ of the General Assembly.

Finally, my delegation would like to urge the Government of Israel to adhere to international law and to stop and reverse the construction of the wall, as the latter violates the letter and the spirit of the Road Map and will make the two-state solution difficult, if not impossible, to implement. My delegation would like to reiterate its firm belief in the permanent responsibility of the United Nations regarding the question of Palestine in all its aspects and its ultimate resolution in accordance with the Quartet Road Map and relevant United Nations resolutions. In that regard, my delegation supports and co-sponsors the draft resolution submitted to the Assembly under this agenda item.

Mr. Alsaidi (Yemen): The Permanent Representative of Israel had the audacity this morning to call those who disagree with Israel's occupation of Palestinian and Arab lands the immoral automatic majority. That is unacceptable. We are neither contesting the fact that great injustice was done to Jews nor are we denying the Holocaust. What we are doing here is contesting the occupation and its consequent brutalization of the people in the occupied lands. It is occupation that is immoral, for, just as it brutalizes the occupied, it corrupts the occupier. A return to civil discourse would be wise and more efficacious.

(*spoke in Arabic*)

I should like to extend to you, Madam President, our sincere gratitude for your positive response to the request for the resumption of the tenth emergency special session of the General Assembly, to follow up on the implementation of the 9 July 2004 advisory opinion of the International Court of Justice regarding the expansionist wall in the occupied Palestinian territories, including East Jerusalem. We would also like to welcome the report of the Secretary-General (A/ES-10/361) regarding the establishment of a Register of Damage resulting from the construction of the expansionist wall and to express our support for the establishment by the General Assembly of the office of the Register of Damage.

In response to General Assembly resolution A/ES-10/14 of 8 December 2003, requesting an advisory opinion of the International Court of Justice concerning the illegality of the expansionist wall constructed by Israel inside the occupied Palestinian territories, including in and around East Jerusalem, the Court has expressed its firm opinion that the construction of the wall is not in keeping with Israel's duties as an occupying force and that it prevents the Palestinian people from enjoying their right to self-determination. The wall is also an attempt to impose a fait accompli and to confiscate Palestinian territories. In this context, former United States President Jimmy Carter — the architect of the Camp David accords — in his valuable book entitled *Palestine: Peace Not Apartheid* writes that the wall

(*spoke in English*)

> "is projected to be at least three and a half times as long as Israel's internationally recognized border, and already cuts directly through Palestinian villages, divides families from their gardens and farmland".

He writes that, among other Palestinian towns and villages, the wall has encircled "around 170,000 citizens of Bethlehem, the birthplace of Jesus".

(*spoke in Arabic*)

Those measures are in violation of international law and represent a failure of Israel to fulfil its duties as an occupying Power. As Israel continues to construct the expansionist wall, the authorities in charge continue to establish new settlements and to expand existing ones. In this regard, paragraph 19 of the Secretary-General's report (S/2006/956) of 11 December 2006 indicates that, during Mr. Kofi Annan's term of office, the number of Israeli settlers living in the West Bank — excluding East Jerusalem — has grown from 140,000 to 240,000. The number of settlers in occupied East Jerusalem has also increased over the same period from 160,000 to 190,000.

The area currently confiscated for settlements officially occupies — according to Israeli law — about 40 per cent of the entire area of the West Bank, not including East Jerusalem. In paragraph 19 of the report, the Secretary-General states that "in the decade and a half after the Oslo Accords, Israel more than doubled its physical presence in the West Bank", concluding that this "remains the single biggest impediment to realizing a viable Palestinian State with territorial contiguity".

Former United States President Jimmy Carter is in agreement with the Secretary-General, writing that

(*spoke in English*)

> "It is obvious that the Palestinians will be left with no territory in which to establish a viable State .... The Palestinians will have a future impossible for them or any responsible portion of the international community to accept".

(*spoke in Arabic*)

These facts unequivocally refute the Israeli leadership's claim that Israel wants to see the establishment of a Palestinian State, living side by side with Israel in peace and harmony. We wonder how peace and harmony could prevail given that the rights of the Palestinian people are being violated and their lands stolen. Here, I would like to quote again from President Carter's valuable book. He writes:

(*spoke in English*)

> "Some showed us the wreckage of their former homes, which have been demolished by Israeli bulldozers and dynamite, with claims by Israel that they had been built too near Israeli settlements, on property needed by the Israeli Government, or that some member of the family was a security threat.
>
> "In assessing these claims, the Israeli human rights organization B'Tselem explained that on average, 12 innocent families lost their homes for every person accused of participation

in attacks against Israelis, with almost half of the demolished homes never occupied by anyone suspected of involvement in any violent acts against Israel, even throwing stones".

(*spoke in Arabic*)

The continued construction of the wall represents an insurmountable obstacle to the movement of Palestinian citizens. It hinders children's efforts to go to school and prevents the elderly and women from receiving the medical care that they need. Israel must abide by international law and norms. It should also heed the advisory opinion of the International Court of Justice and immediately end its construction of the expansionist wall, which it is continuing to build on occupied Palestinian territory, including East Jerusalem. It is also incumbent upon Israel to remove the parts of the wall that have already been built and to repeal all laws and other legislation relating to its construction. Israel, as the occupying Power, must make reparations for the damage caused to the Palestinian people and their property by the construction of the expansionist wall. It should also return all agricultural and other lands confiscated for that purpose.

In that connection, so that members may know the facts, I should like to quote once again from book by former President Jimmy Carter to cite examples of the suffering of the Palestinians, including Palestinian Christians:

(*spoke in English*)

"The wall ravages many places along its devious route that are important to Christians. In addition to enclosing Bethlehem in one of its most notable intrusions, an especially heartbreaking division is on the southern slope of the Mount of Olives, a favourite place for Jesus and his disciples, and very near Bethany, where they often visited Mary, Martha, and their brother, Lazarus. There is a church named for one of the sisters, Santa Marta Monastery, where Israel's thirty-foot concrete wall cuts through the property. The house of worship is now on the Jerusalem side, and its parishioners are separated from it because they cannot get permits to enter Jerusalem. Its priest, Father Claudio Ghilardi, says, 'For nine hundred years we have lived here under Turkish, British, Jordanian, and Israeli governments, and no one has ever stopped people coming to pray. It is scandalous. This is not about a barrier. It is a border. Why don't they speak the truth?'

"Countering Israeli arguments that the wall is to keep Palestinian suicide bombers from Israel, Father Claudio adds a comment that describes the path of the entire barrier: 'The Wall is not separating Palestinians from Jews; rather Palestinians from Palestinians.' Nearby are three convents that will also be cut off from the people they serve. The 2,000 Palestinian Christians have lost their place of worship and their spiritual center."

(*spoke in Arabic*)

Finally, I should like to reiterate that the policy of fait accompli adopted by Israel during its occupation of the Palestinian territories has proved a total failure. Israel's construction of the expansionist wall in order to impose a new fait accompli will not undermine the inalienable rights of the Palestinian people. All will not be well and peace will not prevail in the region until the international community explicitly and unambiguously rejects the logic of forcibly annexing the lands of others and imposing a fait accompli. The facts of life of our times do not accord with that sort of logic. Israel must realize that. It must recognize the right of the Palestinian people to self-determination and to establish their own independent State, with East Jerusalem as its capital. It must withdraw its forces from the Arab territories it has occupied since 1967, including the Syrian Arab Golan and the occupied Lebanese territories.

Mr. Akram (Pakistan): Pakistan shares the view, which has been expressed by the International Court of Justice and by the General Assembly, that the construction of the separation wall by Israel in the occupied Palestinian territory is illegal. Israel must halt and reverse the construction of the separation wall.

The illegal nature of the construction of the wall was clearly established by the 9 July 2004 advisory opinion of the International Court of Justice. The Assembly, in its resolution ES-10/15, adopted at the emergency special session on 20 July 2004, demanded that Israel, the occupying Power, comply with its legal obligations as set out in the advisory opinion. The same resolution requested the Secretary-General to establish a register of damage caused to all natural or

legal persons concerned in connection with paragraphs 152 and 153 of the advisory opinion.

It is unfortunate that Israel, in complete disregard of the legal opinion of the International Court and in defiance of the clear and strong demand of the international community, is continuing the construction of the wall. That has had two obvious and major consequences. First, it has caused massive human suffering to the Palestinian people and further aggravated their plight. The wall has not only robbed them of their lands, properties and livelihoods; it has also denied the Palestinian population the right to free movement and access to economic opportunities, basic social services, humanitarian assistance and, in many cases, their own homes and lands.

Secondly, and in a wider perspective, the construction of the wall, as the International Court also determined in its advisory opinion, has created a fait accompli on the ground that could well become permanent, in which case — and notwithstanding the formal characterization of the wall by Israel — it would be tantamount to de facto annexation. The Court also determined that the construction of the wall severely impedes the exercise by the Palestinian people of its right to self-determination and is therefore a breach of Israel's obligation to respect that right. The Court also determined that the construction of the wall and its associated regime have led to the destruction or requisition of properties and, further, that the infringement of the rights of the Palestinian people resulting from that route cannot be justified by military exigencies or by the requirements of national security or public order.

The continued construction of the wall, therefore, poses a major obstacle to, and undermines, the objective of a just and lasting solution to the Palestinian question through the establishment of an independent, viable and geographically contiguous Palestinian State with Al-Quds al-Sharif as its capital. Without a just Israeli-Palestinian settlement based on Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), the prospects for peace and stability will remain dismal throughout the entire Middle East region.

The report of the Secretary-General submitted to the General Assembly pursuant to resolution ES-10/15 (A/ES-10/361), although extremely belated, is the basis for the convening of this emergency special session. Accordingly, the Assembly is meeting to establish the United Nations Register of Damage, which will serve as a comprehensive record of the damage caused to all natural and legal persons concerned as a result of the construction of the wall by Israel.

Such a record is indeed necessary for the fulfilment by Israel of its obligations to make reparations, including restitution and compensation, for the damages caused by the construction of the wall, in accordance with the rules and principles of international law. At the individual level, the Register will perhaps be the only ray of hope for justice for those among the Palestinian people who are adversely affected by the wall.

Pakistan fully supports the draft resolution A/ES-10/L.20, submitted by the Arab Group and sponsored also by the Non-Aligned Movement. In our view, in deciding to establish the Register of Damages, this Assembly will not only be following up on the implementation of its own resolutions and thus shouldering its responsibility towards the Palestinian people, but more important, it will be upholding the supremacy of the rule of law which is essential for the construction of peace in the Middle East and throughout the region.

Mr. Sahel (Morocco) (*spoke in French*): I wish to extend a message of peace, concern and hope from this rostrum on behalf of the Kingdom of Morocco at this resumed tenth special session of the General Assembly devoted to illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territories.

First, my message is one of peace, because the peoples of the region and the Palestinian people in particular have suffered far too much from decades of tension, war, deprivation and the denial of their individual and collective rights.

My message is one of concern, in view of the progressive worsening of the economic, social and humanitarian situation of the Palestinian people and the growing despair among young Palestinians due to a lack of political future and a conflict that has lasted far too long.

Finally, it is a message of hope, because despite everything, I remain convinced that, in spite of the burden of years of suffering, the peoples of the region have the ability to overcome their differences and to

forge a common future. We must help them do that. That is the responsibility of the General Assembly, and that is why our discussion is of particular importance.

Regional disputes can be resolved through dialogue, consultation, negotiation and a consensual approach based on respect for international law. Peace cannot be forged on illegal and punitive actions aimed at separating and dividing people rather than bringing them together. That is the basis of the approach adopted by the International Court of Justice in its advisory opinion of 9 July 2004, in which it clearly indicated that

> "The construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, are contrary to international law". (*A/ES-10/273, para. 163*)

The International Court of Justice also considered that Palestinians should be provided reparation for damages suffered as the result of the construction of the wall.

With that in mind, the General Assembly, in its resolution ES-10/15 of 20 July 2004, demanded "that Israel, the occupying Power, comply with its legal obligations as mentioned in the advisory opinion" (*para. 2*).

The General Assembly also decided to establish a register to record claims for reparations. Unfortunately, the establishment of the register in Vienna will make it difficult to record the suffering of the Palestinian people as their living conditions continue to worsen.

The construction of the separation wall not only has seriously jeopardized the possibilities for lasting peace, but has also led to a serious humanitarian crisis by placing restrictions on the freedom of movement of the Palestinian people to such an extent that Mr. Jan Egeland, United Nations Emergency Relief Coordinator, has described this situation as a true time bomb.

Even so, we still need to recall that three quarters of the population depends on food assistance. Growing measures aimed at restricting and even halting the freedom of movement have had a considerable impact on the enjoyment of human rights including access to water and the functioning of hospitals, schools, public services and farming activities. Families have been separated and numerous Palestinians living near the wall have had to leave their homes, becoming displaced persons in their own country.

What better example can we cite regarding the extent of the damage caused by this unilateral measure of the Israeli Government than the comment made by Claudio Ghilardi, a priest from the Santa Marta monastery, whose property has been divided by the wall? He responded to the allegations of the Israeli authorities who have attempted to justify the building of the wall as a means to protect their country from suicide bombers by saying that the wall is not separating Israelis from Palestinians, but Palestinians from Palestinians.

In the end, normal daily life has become frozen. Of course, all of these measures imposed by Israel violate the principles of international law and are forms of unacceptable and reprehensible collective punishment.

The Palestinian people thirst for respect and dignity. The security imperatives of some cannot be achieved by denying the right to dignity of others. Peace is forged by taking account of the interests of all. Continued construction of the separation wall in spite of the opinion of the International Court of Justice and the changes that the landscape of East Jerusalem is currently undergoing do not proceed from an approach that aims to make peace a priority. On the contrary, it crystallizes hate by denying the rights of others.

The Kingdom of Morocco fervently hopes to see peace prevail and trust restored. For that to occur, justice must be granted to the Palestinian people and their right to a State with Al-Quds al-Sharif as capital must be recognized.

This noble and proud people must be supported in the grave humanitarian crisis that has been imposed upon it. We call upon the General Assembly unequivocally to support the United Nations Register of Damages caused by the construction of the wall, which we hope will be an effective and transparent mechanism for reparations for the benefit of the Palestinian people. That will require appropriate cooperation from all the United Nations entities concerned.

The support that the General Assembly will not fail to provide to draft resolution A/ES-10/L.20, on which it will take action at the end of our debate will once again send a strong collective message that law

will prevail over force, and that dialogue and peaceful coexistence among peoples will prevail over denying the rights of others to live in peace and security in a safe and viable State. That is the message of solidarity, unity and peace for the children of Palestine that I address to this Assembly today.

Mr. Sen (India): Madam President, I thank you for reconvening this emergency special session of the General Assembly to discuss the establishment of a register of damages arising from Israel's construction of a separation wall in the occupied Palestinian territory.

The legal issues that underpin this debate are clear and have been so ever since the International Court of Justice ruled unambiguously in paragraph 142 of its advisory opinion of 9 July 2004 (A/ES-10/273) that "the construction of the wall [is] contrary to international law". The steps that are to be taken to reverse this illegality are also stated in the same advisory opinion, as is our obligation as members of the international community not to recognize the illegal situation arising from that construction. The International Court of Justice then remitted the matter back to the United Nations, and especially the General Assembly and the Security Council, to consider — as stated in paragraph 160 — what further action would be required to "bring to an end the illegal situation resulting from the construction of the wall".

However, we lack the same level of precision and clarity regarding the further action that we as the United Nations are required to take to bring to an end this illegal situation. The establishment of a Register of Damage is only one part of the measures that we can consider. What we undertake today must therefore be set against a number of other appropriate legal and political measures, in consultation with all concerned, as part of a larger vision of establishing a just, comprehensive and lasting peace in the Middle East.

In that context, several opinions have been expressed here today, and we have before us both a report of the Secretary-General and a draft resolution. The minutiae of the recommendations of the Secretary-General regarding the location of the office of the Register of Damage, its composition and its privileges need not detain us here; it is the question of the nature of the body, its powers and its mandate that is crucial.

We understand the argument that the Register must be more than a receiving and processing office for complaints. It must be able to establish the credibility of such complaints and, in so doing, it must serve as a symbol for the redressal of grievances. There is merit in calling for the office of the Register of Damage to help raise awareness of the rights of those who have lost property, access to family or means of earning their livelihood, and to help them seek compensation. There is no doubt that Israel is required to compensate those who have lost property through the construction of the wall; indeed, the advisory opinion states as much, and the payment of compensation by Israel under its own laws suggests that this point is not contested.

However, there is also merit in carefully considering the complex questions posed as a result of the United Nations establishing a body, at a not inconsiderable cost, that would have judicial powers and the power to award damages. Resolving these complex questions will require more than just discussions in this forum; it will require a reasoned, balanced and forthright dialogue between those concerned, with the assistance of the international community wherever necessary.

While we are in favour of the draft resolution that is before us today, as it is a measure that could provide solace to those aggrieved by the loss of property, I should underline that the establishment of the Register of Damage is in itself not a complete solution to the complex problem posed by Israel's construction of the separation wall. Those issues should be resolved in tandem with other confidence-building measures as part of an overall effort to achieve a just, lasting and comprehensive peace in the region.

The separation wall divides villages, families, students and patients from schools and hospitals, and farmers from fields. The International Court of Justice recognized in paragraph 121 of the advisory opinion that the area between the Green Line and the separation fence means that "the construction of the wall and its associated regime create a 'fait accompli' on the ground that could well become permanent, in which case, ... it would be tantamount to de facto annexation" of Palestinian land.

The Israeli anthropologist Jeff Halper is concerned that policies resulting in "reconfiguration of the country from two parallel north-south units — Israel and the West Bank, the basis of the two-state

idea — into one country, integrated east-west" would make a two-state solution enormously difficult.

Therefore, while urging Israel to stop the construction of this wall, which may prejudice the contours of the much-awaited two-state solution, we urge both sides to the dispute, as well as all other relevant parties, to address this longstanding problem and to redouble efforts to enable a solution to emerge through political dialogue. The absence of any meaningful political dialogue is not, of itself, enough reason to cease persevering in efforts to find a peaceful solution. Since there is no alternative to a meaningful dialogue, we support the call of the Secretary-General upon all sides to consider innovative ways to fully implement the Road Map which would lead, without delay, to a just, fair and equitable solution to this conflict, based on all relevant United Nations resolutions, including Security Council resolutions. We also call upon the Quartet and all relevant regional players to work to de-escalate the situation and end the cycle of violence and counter-violence.

Mr. Sadeghi (Islamic Republic of Iran): Madam President, I wish to begin by joining previous speakers in thanking you for having resumed the tenth emergency special session of the General Assembly to follow up the demand made by the Assembly in 2004, in paragraph 4 of its resolution ES-10/15, to establish a Register of Damage caused by the Israeli regime's construction of the illegal wall in the occupied Palestinian territory.

The construction of the unlawful separation wall is yet another flagrant crime committed by the Israeli regime against the Palestinian people and has made clear once again that regime's aggressive and criminal nature, together with its complete defiance and contempt for the most basic principles of international law and international humanitarian law.

Despite the unambiguous opposition of the international community to the construction of that illegal wall, the Israeli regime, with war crimes and crimes against humanity as its signature brand of aggression, occupation and state terrorism, has continued and even expanded the construction of the illegal separation wall with full impunity. It has therefore added to the suffering and the difficult plight of the Palestinian people, who, at the same time, have been suffering, and continue to suffer, from other Israeli atrocities such as the appalling massacres, extrajudicial killings, home demolitions and atrocious acts of abduction that have taken place.

In flagrant defiance of the International Court of Justice's advisory opinion, and in full contempt for the Assembly's resolution — both of which reaffirm the illegality of the construction of the wall and call for construction to cease and the wall to be dismantled, the Israeli regime continues to build it, with ever more Palestinian properties being destroyed and ever more land confiscated, almost on a daily basis.

In its advisory opinion, the International Court of Justice clearly determined that the construction of the wall in the occupied Palestinian territory, and its associated regime, are contrary to international law and should therefore be ceased, and the wall dismantled.

Along with the rest of the international community, we remain deeply concerned at the grave violations of international law, including the Fourth Geneva Convention, represented by the Israeli regime's continued construction of the wall, among which are the destruction and confiscation of land and property; violations of the freedom of movement of the Palestinian people and of their right to work, worship, health, education and adequate living standards; and the eviction of Palestinian civilians from their homes and lands, shattering apart their families.

The international community must hold the Israeli regime accountable for its illegal and criminal actions in the occupied Palestinian territory, and, as the Court also demanded in its advisory opinion, that regime must terminate its breaches of international law; cease forthwith the works of construction of the wall; immediately dismantle the structure; and repeal or render ineffective forthwith all legislative and regulatory acts relating thereto.

The Security Council, which has been persistently incapacitated by the actions of one of its permanent members with respect to taking any meaningful action with regard to the Israeli regime's crimes, including those related to the construction of the illegal wall, must act responsibly and compel that regime to bring its occupation of the Palestinian and other Arab territories to an end. That regime should also be obliged by the Council to put an end to its war crimes in the region and to cease the construction of the wall and dismantle it.

Based on the Court's opinion, the Israeli regime is also under an obligation to make reparations for all damages caused by the construction of the unlawful wall in the occupied Palestinian territory. In that regard, the General Assembly, in its resolution ES-10/15, requested the Secretary-General to establish a register of damage caused to all natural or legal persons concerned, in connection with paragraphs 152 and 153 of the advisory opinion. The international community has long waited for concrete steps to be taken to meet this legitimate demand of the Palestinian people and for such a mechanism to be established so that reparations, including restitution and compensation, would be made for the damages caused by the construction of the wall.

In that connection, we have noted with appreciation the measures already taken or under way to establish this long-awaited register. We therefore thank the Secretary-General for his report of 17 October 2006 (A/ES-10/361), on the establishment of the Register of Damage, and look forward to more concrete steps to be taken in that regard to make that mechanism fully operational. Indeed, through the adoption of the draft resolution before the Assembly today (A/ES-10/L.20), another essential step in that regard will be taken.

We share the view that the Register of Damage should include comprehensive documentation of all damages that have been inflicted on the Palestinian people because of the construction of the unlawful wall. Moreover, we are of the view that those damages should be accurately and thoroughly documented, as that is important for making reparations, including both restitution and compensation, to the Palestinian people.

Undoubtedly, the verification and assessment of damages are important steps in the process and should therefore be undertaken as soon as possible to expedite the reparations. We support the idea that the verification and assessment of damages should be carried out in tandem with the collection of damage claims and should not be postponed to a later date, which might complicate and unnecessarily prolong the whole process.

Indeed, if the Register of Damage is to carry out the responsibilities entrusted to it, the cooperation of United Nations bodies and agencies — particularly those with a presence in the field — is of paramount importance. We also believe that, as noted in the statement made by the representative of Cuba on behalf of the Non-Aligned Movement, the Register of Damage should work with effectiveness and use with efficiency the resources that Member States allocate to this mechanism, that all verifiable claims should be duly registered and that the losses and damage caused by the unlawful wall should be assessed and reparations made in a timely, impartial and objective manner. In addition, the Register of Damage should remain open for claims as long as the separation wall exists and until the unlawful wall is dismantled and reparations are fully and completely made.

Before concluding, I wish to reiterate that, although important, the establishment of the Register of Damage is only one aspect of the unjust situation created by the construction of the wall. This dire situation will be fully rectified in its entirety only when the construction of the wall is halted, the parts already completed are dismantled and full reparations are made to the Palestinian people.

Mr. Sardenberg (Brazil): I wish to thank you, Madam President, for convening this timely meeting.

While recognizing the legitimate right of States to self-defence, in accordance with Article 51 of the United Nations Charter, Brazil believes that Israel's unilateral decision to build a separation wall in the occupied Palestinian territory cannot be justified and amounts to a disproportionate response to potential threats to the security of Israel. That view is reflected in the advisory opinion of the International Court of Justice on the matter, which has been endorsed by General Assembly resolutions.

Brazil is deeply disturbed by the building of the wall, as it entails countless violations of international law, including international humanitarian law. In addition, it violates the rights of the Palestinian people, as it affects their lands and causes extensive destruction of Palestinian property and infrastructure. It destroys crops and dwellings and separates families. It jeopardizes the full realization of the human rights of the Palestinians and victimizes the civilian population.

Furthermore, the building of the separation wall, in conjunction with other military actions by Israel in northern Gaza in recent months, worsens an already tense situation and further fuels violence. The wall is also a barrier to the long-term prospects for a peaceful settlement to the Israeli-Palestinian conflict.

Politically, the wall is clearly divisive and contrary to the spirit of confidence-building that should permeate the peace process and the ceasefire agreement recently adopted by the parties. It increases the sense of despair and frustration among the Palestinian people, who already suffer from extensive hardships imposed by checkpoints and roadblocks set up even inside the occupied Palestinian territories. Its construction is widely regarded as an attempt to create a fait accompli and to predetermine the outcome of the final-status negotiations between Israel and the Palestinian Authority. It is also viewed as intended to promote the illegal incorporation by Israel of considerable portions of Palestinian territory, which we categorically reject.

Israel should dismantle the wall and return to the Palestinians their lands and other properties. We also believe that Israel should make compensation for all ensuing damages.

Brazil is of the view that it is the responsibility of all States Members of the United Nations to assist in the task of implementing the existing resolutions on this matter and to ensure respect for international humanitarian law. In that connection, we support the creation of the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory. We believe that it will not serve its purpose if it becomes merely a list or record in documentary form of grievances presented by the Palestinians, as suggested in the Secretary-General's report (A/ES-10/361). It should act as a proto-compensation commission so as to prepare the way for a future full claims-resolution facility. It should be an organ entitled to confirm the existence of a nexus of causality between the wall and the damage sustained by the Palestinians.

The creation of a free, democratic and economically viable Palestinian State in accordance with the legitimate aspirations of its people, as established in Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), among others, and within internationally recognized borders is a sine qua non condition for ensuring peace and stability to the Middle East.

Brazil stresses the need to put in motion a political process with precise timetables for the development of a strategy that, while addressing the underlying causes of the conflict, brings to fruition the vision of two democratic States, Israel and Palestine, living side by side in peace and security. Such a strategy should take into account the Quartet Road Map, the Madrid terms of reference, the principle of land for peace and the Arab Peace Initiative.

Those are the main reasons why we will vote in favour of draft resolution A/ES-10/L.20, presented by the Arab Group and other sponsors.

Mr. Yousfi (Algeria) (*spoke in French*): First of all, I would like to say that my delegation associates itself with the statement made by the representative of Cuba on behalf of the Non-Aligned Movement.

I would also like to highlight the stubborn fact that, as we have seen over the years and in the light of the many reports and studies on the situation in the occupied Palestinian territory that reach the same bitter conclusion, there is, on the one hand, a Palestinian people suffering from abuse and daily humiliation and humanitarian tragedy because of the practices of the occupying Power, and on the other hand, the impunity that Israel enjoys as it flagrantly violates human rights and international humanitarian law and its disdain for the principles and purposes of the Charter of the United Nations and the relevant resolutions of the General Assembly and the Security Council, thereby de facto placing itself above international law.

It is against this the backdrop of abuse and injustice that we see Israel's actions in recent years, as it builds a so-called separation wall that is worthy of the practices of apartheid. As it enters into this new kind of aggression against the Palestinian people, the occupying Power has once again invoked the pretext of self-defence and the fight against terrorism, arguments rightly rejected by the International Court of Justice in its advisory opinion of 9 July 2004. In so doing, Israel forgets, as usual, that these restrictive measures, which actually transform the Palestinian territory into an immense prison, simply feeds the hatred and encourages radicalization of views and positions about an occupation that is becoming increasingly intolerable to the Palestinian people and thus cannot ensure the security goals that Israel is supposedly seeking to achieve.

The impact of the construction of the wall were immediately apparent and crystal-clear; it puts at even further remove any prospect of attaining the goal of establishing a viable Palestinian State within secure and internationally recognized borders, living side by

side with its neighbours in peace and security — a goal that Israel claims to be committed to. The impact has also been brutal for the population and economic, social and cultural infrastructure of Palestine. Access rights to medical care and to water, even drinking water for the home, have not been spared, and in the West Bank, the most fertile agricultural lands have been illegally expropriated, and cities, towns and villages have found themselves isolated.

Moreover, the route of the wall, which infringes on Palestinian land, in violation of international law, confirms the occupying Power's annexationist intentions and increases doubts about Israel's sincerity about the search for peace and stability in the region. The route, indeed, seeks to make the annexation of East Jerusalem irreversible, which is a violation of Security Council resolution 478 (1980), which declared such an annexation null and void.

The tragedies that have resulted from construction of this separation wall, added to those caused by the daily repression that has spared neither the civilian population nor the basic infrastructure, challenge the international community to do everything possible to compel Israel to comply with the rules of international law, including international humanitarian law and, in particular, the Hague Convention of 1907 and the Fourth Geneva Convention of 1949. In this regard, we find it regrettable that it has been three years now since the International Court of Justice, pursuant to resolution ES-10/14 of 8 December 2003, issued its advisory opinion on the consequences of the construction by Israel of the separation wall in occupied Palestinian territory, and nothing has been done to ensure implementation of the opinion to compel Israel to comply with it. Worse still, Israeli leaders have not hesitated to reject the opinion and, as though nothing had happened, continued building the wall, which I would call a wall of shame.

Yet, in its opinion, the International Court of Justice not only noted that the construction of the wall was contrary to Israel's international obligations and that the occupying Power has the obligation to immediately stop construction work on the wall, but it also reaffirmed Israel's obligation to make reparation for all damage done to natural or legal persons concerned. Moreover, the Court deemed that Israel is obliged to restore property that was seized and to provide compensation to the victims of the illegal expropriations for the harm suffered.

Unfortunately, the strong and clear opinion of the International Court of Justice did not lead the Security Council, the body principally responsible for the maintenance of international peace and security, to shoulder its responsibilities and take the necessary steps to end the illegality into which Israel had entered by the construction of the separation wall.

My delegation was particularly pleased to see that the Secretary-General, after a lengthy delay, finally submitted on 17 October 2006 the report that had been asked of him by the General Assembly in its resolution ES-10/15 of 20 July 2004, on the establishment of a register of damages caused to all natural or legal persons as a result of the construction of the separation wall, in connection with paragraphs 152 and 153 of the International Court of Justice advisory opinion.

Obviously, my delegation would not be interested in establishing a register with questionable membership, weak powers and limited flexibility, one which some parties would be tempted to lock into the thankless role of a room for registering complaints that are doomed to be forgotten, and which would ultimately be another disappointment for the Palestinians.

We call on Member States to unequivocally support draft resolution A/ES-10/L.20, on the establishment of the Register. In so doing, it is our hope that, as a subsidiary organ of the General Assembly, it will have strong powers, a clear mission and adequate human and material resources to enable it to do its work so that it will not disappoint the expectations of the natural or legal persons who have suffered from arbitrary action by Israel.

We sincerely hope that the Register will be able to do its comprehensive work in registering applications, verifying them and assessing damage caused by the construction of the wall, with a view to providing adequate reparations to applicants, inter alia, through restitution of their property or compensation for damages done, in accordance with international law, international humanitarian law, the Fourth Geneva Convention of 1949, all United Nations resolutions on the question of Palestine and, of course, the 9 July 2004 advisory opinion of the International Court of Justice.

Mr. Seck (Senegal) (*spoke in French*): My delegation would like to thank Secretary-General Kofi Annan for his outstanding and timely report

(A/ES-10/361), which provides the relevant institutional framework for the establishment of a register of damage to all natural or legal persons concerned caused by the construction by Israel, the occupying Power, of the wall in occupied Palestinian territory, including in and around East Jerusalem. The establishment of such a register will be an important step forward, as it will undoubtedly mark an important turning point in the implementation of the 9 July 2004 advisory opinion of the International Court of Justice, regarding the legal consequences of the construction of a wall in the occupied Palestinian territory, including in and around East Jerusalem.

By adopting resolution ES-10/15 on 20 July 2004, by an overwhelming majority, the General Assembly demanded that Israel cease its construction of the wall in the occupied Palestinian territory, including in and around East Jerusalem, and called for a return to the situation prevailing prior to construction, given that the construction did not follow the 1949 Armistice Line and violated the relevant provisions of international law. Today, thousands of Palestinians are separated from their families, lands and places of employment because of the construction of the wall. The building of separate road systems for Israelis and Palestinians and the accelerated construction of the wall have further limited the freedom of movement of Palestinians, thereby worsening the encirclement and isolation of Palestinian land.

Recently, following her first visit to Israel and the Palestinian territories as United Nations High Commissioner for Human Rights, Ms. Louise Arbour could not check her frustration and bitterness, and vigorously denounced the severe impact of the wall and the system of checkpoints on the lives of Palestinians. She saw for herself flagrant violations of human rights against the Palestinian people.

The living conditions in the occupied Palestinian territories have in fact deteriorated seriously since the imposition of a sanctions regime, as a result of which the principal donors have stopped funding the Palestinian Authority. The Authority now faces insurmountable difficulties, which have resulted, among other things, in the failure to pay employees, disruption in public services and the worsening of the socio-economic situation.

The time has now come to intensify efforts to establish the necessary conditions for the immediate resumption of negotiations between the parties, with the participation of the Quartet and within a very clear timetable. We believe that future negotiations must draw on past achievements. A very clear plan is in place for a final settlement based on the relevant resolutions of the Security Council — resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003) — as well as other resolutions and decisions adopted by representative bodies of the international community.

We urge the Israeli authorities to respond positively to the readiness of Mr. Mahmoud Abbas, President of the Palestinian Authority, and to halt military operations, arrest campaigns, the imposition of curfews and restrictions on the movement of the civilian population. Senegal urges the international community to pressure Israel to strictly apply the advisory opinion of the International Court of Justice and General Assembly resolutions reaffirming the right of the Palestinian people to self-determination, to immediately stop the building of settlements for Israelis and to begin to dismantle the wall of separation.

My country very much hopes that the decisions and recommendations contained in draft resolution A/ES-10/L.20, which is now before us, will help to promote efforts aimed at ensuring that law and justice prevail.

In conclusion, my delegation would like to reaffirm that it is essential that, with the assistance and support of the international community, the main actors continue to ensure that reason and dialogue prevail in our efforts to find a peaceful and lasting solution to the Palestinian question. That solution should be a negotiated settlement that respects the legitimate rights of the Palestinian people and the dignity of the Arab population of the occupied territories, and that respects the inalienable rights of the Palestinian people to self-determination and to the establishment of their own State with East Jerusalem as its capital, living side by side with the State of Israel.

The President: Before we proceed, I would like to draw the attention of members to revised draft resolution A/ES-10/L.20/Rev.1, which has now been issued in all languages, as well as to the report of the Fifth Committee issued in English only under document symbol A/61/625/Rev.1, regarding the

programme budget implications of the draft resolution. The two documents are now being distributed desk-to-desk in the Hall.

Mr. Jenie (Indonesia): At the outset, my delegation would like to associate itself with the statement made by the representative of Cuba on behalf of the Non-Aligned Movement.

On 9 July 2004, the International Court of Justice (ICJ) handed down a historic opinion on the issue of the legality of the wall, categorically declaring its construction and the associated regime in the occupied Palestinian territory to be illegal and contrary to international law. The ICJ said that, consequently, Israel must halt the construction and immediately dismantle the relevant parts of the wall. Furthermore, the Court requested Israel to provide compensation to Palestinian landowners for damage caused by its illegal acts.

Following the landmark decision of the Court, this body, in another historic decision, on 20 July 2004 strengthened the authoritative findings of the principal judicial organ of the United Nations on the illegality of the construction of the wall and its associated regime by adopting resolution ES-10/15, in which it requested the Secretary-General to establish a register of damage. It was clear from that day, however, that there would be a long way to go before justice was achieved for the Palestinian people affected by the construction of the wall. That was due to Israel's continuing refusal to recognize either the advisory opinion of the Court or the resolution of the Assembly. What we have seen since then is the obstinacy of the Israeli Government in continuing construction despite the opposition of the international community. We express our deepest concern about that.

The summary report on the October 2006 Consolidated Appeal Process prepared by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) describes the humanitarian situation of the Palestinian people in the occupied Palestinian territories, which has sharply deteriorated. According to that report, the population of Gaza is undergoing a virtual siege of historic dimensions. The Gaza Strip and the West Bank have become increasingly isolated from each other as movement and access within and into those areas have become more difficult. That is a result of Israel's continued heavy-handed military measures and its unilateral policies of establishing physical barriers in the form of checkpoints and roadblocks, as well as the construction of the wall, which is planned to be 703 kilometres in length. The combination of those illegal acts severely hampers the availability of access to improved standards of living in the occupied Palestinian territories, thereby worsening the dire humanitarian situation of the Palestinian people.

It is against that backdrop that the Assembly is meeting today to adopt the overdue recommendation of the Secretary-General on establishing a database of damage caused as result of the construction of the wall by Israel. We believe that the time is now ripe for prompt action by the international community to give effect to the advisory opinion of the ICJ. Inaction by the United Nations in halting Israel's illegal acts will only promote the erroneous message that Israel is above international law.

While we welcome the recent ceasefire between the parties to the conflict, we are of the view that Israel also needs to demonstrate its goodwill in promoting the peace process in the region. That should be done by faithfully adhering to the legal obligations stemming from the advisory opinion of the ICJ. The dismantling of the illegal wall and its associated regime constitutes an important factor in the revival of the peace process and the fulfilment of a two-State solution based on relevant resolutions of the United Nations, the Road Map and the Arab Peace Initiative.

In that regard, we welcome the modalities for the establishment and implementation of the Register as presented in the Secretary-General's report (A/ES-10/361), including its structure and recommended location at the United Nations Office at Vienna.

We believe that the establishment of the office of the Register of Damage as a subsidiary organ of the General Assembly would be a further step towards upholding international law on behalf of Palestinians directly affected by the illegal construction of the wall. What is also needed is to establish communication with various United Nations institutions that have already been in the region so that the office of the Register of Damage can benefit from their expertise in conducting the verification and assessment of registered claims.

In conclusion, we hope that the adoption of the draft resolution to that effect (A/ES-10/L.20) will facilitate the objective of the Palestinian people to

receive prompt restitution, reparations and compensation, which are long overdue, for the damage caused by Israel's illegal construction of the wall and its associated regime.

Ms. Mokaddem (Lebanon) (*spoke in Arabic*): At the outset, Madam, my delegation would like to thank you for presiding over this meeting — of great importance to Palestinians and to the Arab countries — to consider the adoption of a draft resolution (A/ES-10/L.20) concerning the establishment of the United Nations Register of Damage to compensate those affected by the construction of the wall on occupied Palestinian territory. Like all peace-loving countries, Lebanon strongly supports the draft resolution. We would also like to thank the Secretary-General for his report (A/ES-10/361) submitted under this agenda item. We also wish to associate ourselves with the statement delivered by the representative of Cuba on behalf of the Non-Aligned Movement.

The construction of the racist wall of separation — which started at the beginning of the twenty-first century, precisely at the close of an earlier century that had seen all such walls come tumbling down — is further evidence of Israel's use of the pretext of preserving its security to build its wall. Yet Israel has occupied the land of the Palestinians for more than 30 years, while at the same time attempting to depopulate it in an effort to annex it more easily. The observer of Palestine and reports from United Nations specialized agencies have described the suffering of the Palestinian people under occupation in great detail.

To whom can the Palestinians appeal, if not to the United Nations, to at least condemn the suffering to which they are being subjected and the humiliation and tragedy that are their daily lot? The wall does not even follow the 1949 Armistice Line and is being built on annexed Palestinian land, destroying the land, resources and houses of Palestinians. The building of this wall is nothing but an attempt to establish a new de facto situation, in the hope that that situation will become irreversible.

The construction of the wall and the establishment of checkpoints in the West Bank serve to isolate the Palestinian people, who are being separated from each other by settlements built on various pretexts. The construction of the wall and the settlements is a violation of international law, the Oslo accords and other agreements. The number and size of these settlements has doubled, according to the 11 December report of the Secretary-General (S/2006/956) submitted to the Security Council. The freedom of movement of Palestinians is also being severely curtailed and their most basic rights are being flouted. Palestinians in the West Bank are dying a slow death.

The International Court of Justice issued an advisory opinion on 9 July 2004, in which it stated that the construction of the wall was a violation of the principles of international law and humanitarian law and urged its dismantling. The Court also said that Israel must make reparation for all damage caused by the construction of the wall. That means that they must provide compensation for all damage caused by the illegal construction of the wall. The Court also set out other steps to be taken by the United Nations to put an end to this illegal situation. On 20 July 2004, the General Assembly adopted its resolution ES-10/15, on the illegality of the wall of separation, calling for the establishment of a United Nations register of damage.

The draft resolution before us today in document A/ES-10/L.20/Rev.1 is one of the measures that must be implemented to ensure that the rights of Palestinians are respected until the wall is dismantled. Neither walls nor blockades can establish security. Only when the occupation comes to an end and the rights of the Palestinian and Arab peoples are restored in accordance with international law will we be able to see the light at the end of the tunnel. Without that, all attempts to establish security will be in vain. Pretexts and fallacious arguments have been put forward. Temporary solutions have been proposed. Accusations have been made. The fact, however, is that the freedom of many thousands of people is being flouted. There can be neither peace nor justice unless there is acceptance and respect for the other.

Mr. Ali (Sudan) (*spoke in Arabic*): My delegation would like to associate itself with the statement delivered by the representative of Cuba on behalf of the Non-Aligned Movement. We would also like to thank you, Madam President, for convening this meeting of the tenth emergency special session of the General Assembly. We also wish to thank the brotherly country of Qatar, as well as other members of the Organization of the Islamic Conference and the Non-Aligned Movement, for endorsing the request for a resumption of the session. My delegation would also

like to thank the Secretary-General for his important report (A/ES-10/361), which has been submitted in accordance with resolution ES-10/15, of 20 July 2004, pertaining to a register of damage caused as a result of the construction of the wall in the occupied Palestinian territory, including in and around East Jerusalem, to all natural or legal persons concerned in connection with paragraphs 152 and 153 of the advisory opinion of the International Court of Justice (ICJ).

Considerable economic, social and humanitarian damage has been caused to the Palestinians living near the wall, which has resulted in massive population displacements and has restricted the free movement of Palestinians to and from their places of employment. It has also deprived doctors and patients of access to hospitals and denied students access to schools and universities. In addition, trees have been uprooted, houses demolished and the social fabric frayed. In fact, the wall divides the city of Jerusalem in half, cutting off East Jerusalem and isolating the two parts of the city from each other. In the long run, the wall makes it difficult to establish an independent, viable Palestinian State, because Israel has demonstrated its contempt for the establishment of such a State in accordance with United Nations resolutions.

The advisory opinion of the International Court of Justice is quite clear. It calls upon Israel to meet its obligations under international law, to halt the construction of the wall, to dismantle the parts situated within the occupied Palestinian territory and to make reparations to the persons affected. Measures must be adopted to compel Israel to comply with those international obligations, the principles of international humanitarian law, the Fourth Geneva Convention and the Charter, so that the wall's construction is halted immediately in accordance with the advisory opinion.

The Security Council must shoulder its responsibility in finding a just, comprehensive and lasting peace based on the relevant resolutions of international legitimacy, the principle of land for peace, the Arab Peace Initiative and Israel's withdrawal by Israel from all the Arab lands it has occupied since 1967. That occupation is at the core of the Arab-Israeli conflict. The Palestinians hope to see their aspirations to an independent State fulfilled on the basis of justice and acknowledgement of their rights.

The establishment of a Register of Damage caused by the construction of the wall in the occupied Palestinian territory is a matter of great urgency and importance. It is therefore essential that the office of the Register be set up in such a way as to enable it to take account of and catalogue such damage. We call on all representatives to join in adopting draft resolution A/ES-10/L.20/Rev.1 so that restitution can be made to the people who have suffered as a result of the wall's construction. We hope that, once the draft resolution has been adopted, its provisions will be implemented forthwith.

Mr. Al-Nasser (Qatar) (*spoke in Arabic*): More than two years have passed by since the issuance of the advisory opinion of the International Court of Justice on the separation wall in the occupied Palestinian territory and the adoption of General Assembly resolution ES-10/15, which makes Israel, the occupying Power, responsible for fulfilling its legal obligations as reaffirmed by the Court and the Assembly.

We are gravely concerned at Israel's failure to comply with its obligations, in accordance with the Court's advisory opinion and the General Assembly resolution, and at its continued violation of the rights of the Palestinian people without any accountability. We need not repeat the list of Israeli violations and practices, which are obvious and well known to all. But how long will the United Nations remain unable to address Israel's illegal practices, which it carries out intransigently and in defiance of the United Nations and its highest judicial organ, the International Court of Justice, and in violation of the Charter of the United Nations and international law? How long will Israel continue to dash the legitimate hopes of the Palestinian people to establish their own independent State on their national soil?

The International Court of Justice concluded that Israel has the legal obligation to bring to an end the illegal situation resulting from the construction of the wall in the occupied Palestinian territory, to cease forthwith the construction of the wall and to make adequate compensation for the damage that it has caused, to make reparation for that damage by restoring the status quo ante, to dismantle the parts of the wall already built and to return all lands confiscated for the purpose of its construction or pay damages equal to their value and to provide compensation for all consequences of its illegal actions.

The road before us is still very long. Today, we seek the implementation of only some of the requirements of the advisory opinion of the International Court of Justice. Because Israel continues to flout its obligations under the resolutions of international legitimacy, and because the Court has concluded that Israel's illegal construction of the wall has legal consequences that are not confined only to Israel but also extend to other United Nations Member States, the General Assembly and the Security Council, Israel is obligated to immediately and fully comply with all United Nations resolutions and decisions concerning the rights of the Palestinian people.

We wish to reiterate that the establishment of the office of the Register of Damage is only a first step towards full and comprehensive implementation of the advisory opinion of the International Court of Justice and the relevant General Assembly and Security Council resolutions. The efforts of the Assembly and the Council and of international, regional and subregional organizations and specialized agencies should not be limited to the implementation of the advisory opinion. They should also compel Israel to comply with other international resolutions in accordance with international law, including Assembly and Council resolutions endorsed by the Court in its advisory opinion, which should be regarded as a landmark decision concerning specific legal obligations under international law in this area.

The mandate of the office of the Register of Damage should not be limited to registration of the damage caused to all natural and legal persons concerned as a result of the construction of the wall, as stipulated in operative paragraph 3 of the draft resolution, but should also extend to natural and legal groups and communities. Moreover, such damage should not be limited to physical consequences, but should also include emotional and psychological effects.

In accordance with paragraph 4 (d) of the draft resolution, the office of the Register of Damage will be established at the site of the United Nations Office at Vienna. However, United Nations agencies and institutions active in the occupied Palestinian territories, including the Office for the Coordination of Humanitarian Affairs and the Office of the Special Coordinator for the Middle East Peace Process should also provide support and share experiences with the office of the Register of Damage so as to facilitate its work. The office should be able to visit the occupied Palestinian territories, particularly the land on which the wall has been built, so that all those who have suffered damages resulting from Israeli practices can register their claims unhindered and unconditionally.

Since the office of the Register of Damage will be based in Vienna, other United Nations agencies and offices present on the ground in the occupied Palestinian territory should redouble their efforts to ensure the implementation of the purposes and provisions of the draft resolution, in accordance with paragraph 14. The office should also take into account the efforts and achievements of Palestinian civil society organizations and cooperate with them as necessary.

The draft resolution before us today, which we expect to be adopted by an overwhelming majority of nations that love peace and respect law, justice and international legality will lead to the establishment of the office of the Register of Damage. In the registration of damage claims, the office of the Register of Damage will, in accordance with operative paragraph 6 (d) of the draft resolution, be guided by the findings of the International Court of Justice, general principles of international law and principles of due process of law.

The responsibilities of the office of the Register should not be limited to receiving, processing, investigating and assessing all damage claims resulting from the construction of the wall, as provided for in paragraph 8 (c) of the draft resolution. They should also extend to bridging the gaps and correcting mistakes in claims when the applicants are unable to provide adequate evidence or information regarding their claims owing to practices and restrictions imposed on them by the Israeli occupation forces.

As long as the Register of Damage remains open for registration — for the duration of the existence of the wall in the occupied Palestinian territories, including in and around East Jerusalem, as provided for in paragraph 9 of the draft resolution — the office of the Register must enable applicants to amend claims in the future when there are reasons for doing so, in order that such claims properly reflect the actual damages and losses suffered as a result of the construction of the wall.

In conclusion, in view of the nature of the office of the Register and the significant rights and obligations relating to its establishment, all States and

international, regional and subregional organizations and specialized agencies are legally bound not to recognize the illegal situation resulting from the construction of the Israeli wall in the occupied Palestinian territories, including in and around East Jerusalem. They are also legally bound not to provide any aid or assistance that would help to maintain the fait accompli. They should do their utmost to remove any obstacles to the submission of claims and should, upon the adoption of the draft resolution, provide all possible support and assistance to the office of the Register of Damage so as to ensure the achievement of the purposes for which it has been established.

The President (*spoke in Arabic*): We have heard the last speaker in the debate on this item.

I now give the floor to the representative of Iraq to introduce an oral revision to draft resolution A/ES-10/L.20/Rev.1.

Ms. Tawfiq (Iraq): I would like to inform the Assembly of the following revision to draft resolution A/ES-10/L.20/Rev.1. Subparagraph (c) of operative paragraph 8 should read as follows:

> "Receiving and processing all damage claims and establishing the credibility of the causal link of those claims to the construction of the wall for registration in the Register of Damage".

The President (*spoke in Arabic*): The General Assembly will now consider draft resolution A/ES-10/L.20/Rev.1, as orally revised.

The General Assembly will now take a decision on A/ES-10/L.20/Rev.1, entitled "Establishment of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory", as orally revised. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Cameroon, Canada, Côte d'Ivoire, Malawi, Papua New Guinea, Tonga, Uganda.

Draft resolution A/ES-10/L.20/Rev.1, as orally revised, was adopted by 162 votes to 7, with 7 abstentions (resolution ES-10/17).

The President (*spoke in Arabic*): I shall now call on those representatives who wish to speak in explanation of vote on the resolution just adopted.

May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Ross (United States of America): The United States cannot support resolution A/ES-10/L.20/Rev.1 and has thus voted against. Once again the General Assembly, meeting in this emergency special session, is presented with a resolution that fails to contribute constructively to working towards greater peace and stability in the region and the realization of the two-State solution.

For the second time in less than one month, the General Assembly has reconvened the tenth emergency special session of the General Assembly, which was first convened in 1997 and remains indefinitely open. This United Nations mechanism has been subject to abuse and exploitation for political purposes.

Today the General Assembly is meeting to consider a resolution on a Register of Damage caused by the construction of the wall, an issue that does not rise to the level of extraordinary threat to international peace and security, which is the original purpose of an emergency special session.

We take note of the laudable efforts of a number of delegations to bring this text into full conformity with the Secretary-General's report of 17 October 2006, outlining recommendations for the establishment of the Register. That report was prepared with great deliberation following the July 2004 emergency special session and represents the Secretariat's carefully considered recommendations.

We also note the resolution's clear statement that the active registration of damage through this registry process does not entail an evaluation or assessment of the loss of damage claimed. At the same time, and most importantly, we believe that the registry process set forth in this resolution remains too ill-defined and too open-ended in duration to allow us to support it.

The United States prefers to assist the Palestinian people in other ways. We continue to provide assistance for basic human needs and civil society and private sector development. Our financial contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East alone totalled more than $135 million in 2006.

The conclusion of a General Assembly-created registry will not be legally binding on any party. Creation of a registry as set forth in this resolution will serve only to raise false expectations on the part of the claimants and divert resources from more important tasks. Such steps will not assist in fostering peace between Israel and the Palestinians.

With regard to resources, we strongly oppose the costs associated with the creation of this open-ended mandate, at more than $2 million per year, with no provision for the mandate to be either reviewed or concluded. This body is committing scarce financial resources for a political statement.

The creation of this registry does not make a constructive contribution to peace and once again raises questions regarding the effectiveness of the United Nations and its credibility in addressing the many other grave and pressing problems in the world. Member States should not support resolutions such as this but should commit themselves to making the United Nations a relevant and constructive forum for addressing the Israeli-Palestinian conflict and other issues, instead of acquiescing in its evolution into a purely political organization that cannot reform itself and pursues a single-minded agenda. This resolution failed on that score, and we therefore voted against it.

Mr. Bowman (Canada): Canada has made clear its position that we have serious concerns regarding the construction by Israel of the barrier within the Palestinian territories and East Jerusalem. The barrier's adverse effect on the precarious humanitarian and socio-economic situation of the population of the occupied Palestinian territories is troubling.

While Israel has the right to defend its citizens, measures taken in that regard must be consistent with applicable international law. Moreover, Canada has emphasized the importance of a political solution to resolve the ongoing conflict in the Middle East and is concerned at the highly prejudicial impact that the barrier may have on prospects for peace.

In Canada's view, any action in the General Assembly on the question of the barrier should contribute to advancing a just, lasting and negotiated settlement to the Israeli-Palestinian conflict.

When the General Assembly considered the resolution on the advisory opinion of the International Court of Justice on this matter in July 2004, Canada abstained, in part because of our fundamental concern that the resolution sought to implement the Court's

opinion as it were a binding decision instead of an advisory opinion. At that time, we also expressed concern that the resolution did not adequately reflect the current situation of the larger conflict and therefore would not advance the cause of peace.

Canada continues to have this concern. We regret that the present resolution does not reflect the non-binding status of the advisory opinion of the International Court of Justice. We also have concerns regarding the scope of the powers given to the proposed Register. Canada therefore decided to abstain in the voting on the resolution.

The President (*spoke in Arabic*): We have heard the last speaker in explanation of vote.

I give the floor to the observer of Palestine.

Mr. Mansour (Palestine): I want to thank the General Assembly and each and every one of the 162 members that voted in favour of this very technical resolution whose goal is to implement the International Court of Justice's request with regard to restitution and reparations, and, therefore, compensation. But it is only one step in that process, as we, like the rest of the international community, continue to insist that the wall is illegal and must be dismantled, and that the process has to be reversed.

We are proud of the General Assembly, which tonight has set a new record in the context of all emergency sessions, with 162 positive votes. When we came to the General Assembly more than two years ago for a vote on the first draft resolution reflecting the advisory opinion of the International Court of Justice, 152 countries voted in favour. Less than a month ago, at the resumed emergency session, we received 156 votes, and tonight we received 162 votes. We are very proud of that accomplishment by the highly intelligent, highly qualified individuals, ambassadors and experts who made their decisions on the basis of thorough knowledge. They are not an "automatic immoral majority". In fact, this is a very moral majority; it is upholding international law and the rule of law, including international humanitarian law.

We did not request this resumption of the tenth emergency special session. Because the report of the Secretary-General was submitted to the emergency special session, we understood that, for technical reasons, that report could be considered only at a resumed emergency special session. We fully understand that this specific technical issue does not reflect a threat to international peace and security, but we are also good students of the rules of procedure, and we follow them thoroughly.

I do not want to respond to the insulting and personal comments made by the Israeli delegation this morning. However, I believe that when its members do not conclude from the powerful advisory opinion of the International Court of Justice and the massive vote of the General Assembly that there is something wrong with what the Israelis are doing and insult all of us with such arrogance, calling us the automatic immoral majority, their verbiage is the verbiage of sore losers. They have to conclude from the massive message sent by this body that they are doing something wrong and that they need to re-evaluate their action.

I will cite some examples of how the General Assembly has voted so that the Israeli representative can draw the correct lesson instead of insulting everyone. When the Assembly voted yesterday on resolution 61/112, on assistance to Palestine refugees, 173 countries voted in favour, compared with 161 last year. With regard to resolution 61/113, on persons displaced as a result of the June 1967 and subsequent hostilities, 170 countries voted in favour this year, compared with 161 last year. On resolution 61/114, on the operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 169 countries voted in favour this year, compared with 159 last year. On resolution 61/115, on Palestine refugees' properties, 170 voted in favour this year, compared with 160 last year. On resolution 61/116, on the work of the Special Committee to Investigate Israeli Practices, 90 voted in favour this year, compared with 86 last year. On resolution 61/117, on the applicability of the Fourth Geneva Convention, 165 voted in favour this year, compared with 158 last year. On resolution 61/118, on Israeli settlements, 162 voted in favour this year, compared with 153 last year. On resolution 61/119, on Israeli practices, 157 voted in favour this year, compared with 148 last year.

Those are only a few examples from the distinguished record of the distinguished diplomats that the Israeli ambassador likes to characterize as an "immoral majority". The truly immoral thing, which needs to be characterized as such, is occupation. Why does the Israeli ambassador say, among other things, that this will not advance the cause of peace? Simply because he and others cannot tolerate the moral power

of those resolutions, in which almost all members are saying that we must uphold international law and will not tolerate or accept one State's acting outside international law. The moral power of those resolutions, although it may not yet have led to the termination of occupation and the achievement of sovereignty for the Palestinian people in their own independent Palestinian State, is so immense that the Israeli representative, in a panicked, emotional and personal way, insulted all of us. I want to thank all members once again for their massive support. I hope that the Israeli representative will draw the correct lessons, instead of cursing all members because they voted the way we did.

In conclusion, I want to thank everyone once again and to wish them a very happy holiday.

The President (*spoke in Arabic*): I now call on the representative of Israel.

Mr. Cohen (Israel): Allow me to point out to the Member States represented in the Assembly that today the thirty-first plenary meeting of the tenth emergency special session is being held. Surely, I share this with them not out of pride, but more out of embarrassment for the Assembly, its member States and its emergency special session mechanism, which has been so blatantly used and abused for political gain and for the condemnation of one Member State, 31 times now.

The security fence never was and never will be a political matter; it was, is and will always be a security matter. Palestinian terror has made the fence a necessity. While inconveniences caused by the fence are reversible, the murder of Israelis by Palestinian terrorists is not. The fence saves lives. The moment that there is no longer terror will be the moment that the fence is no longer necessary.

Yet, if the lifesaving factors of the security fence were not enough to convince Member States that it is necessary to guarantee Israel's peace and security, it was also explained this morning that a fully functional and transparent mechanism already exists on the ground. That mechanism has been responsible for reviewing some 140 cases brought by Palestinian complaints to Israel's high court. In all, close to 6.5 million new Israeli shekels, or $1.5 million, has been paid to Palestinians and organizations that have petitioned the court.

But the Assembly has just authorized an enlargement of the United Nations budget — which means additional dues for Member States and taxes for their citizens — to allocate $3 million annually for an ineffective mechanism. That is double the amount of money that Israel has actually spent on compensating Palestinians who feel affected by the fence. Three million dollars of the United Nations budget will now go to finance a mechanism that includes an office in Vienna, with an unnecessarily large support staff, for a process that cannot and will not compensate Palestinians affected by the building of the security fence.

The principle that governs the General Assembly is one State, one vote — what could be referred to, in a utopian sense, as a democratic system. But, owing to political and selfish interests, the democracy of the General Assembly is controlled by an automatic majority that can and does act as it pleases. These Member States can be confident, with their majority status, that any resolution they wish to propose will be adopted, including lengthy, repetitive and malicious condemnations of Israel. By now, we are, thankfully, aware of this abuse of the "one State, one vote" concept and are confident that such proceedings are not within the spirit of the United Nations democracy.

Israel voted against this resolution not because it is against compensating Palestinians who rightfully felt affected by the fence. Israel's actions on the ground, its establishment of a real mechanism and the compensation paid clarifies any ambiguity on that issue.

Israel voted against this resolution because it is yet another example of how politicized and limited in scope this world body has become.

The President (*spoke in Arabic*): In accordance with the terms of paragraph 17 of the resolution just adopted, the tenth emergency special session of the General Assembly is adjourned.

The meeting rose at 5.40 p.m.